## **CHAPTER 3**

## **BUILDING REGULATIONS**

#### SECTION 1: STANDARD ADMINISTRATIVE CODE

#### A. CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS

#### 1. Appointment

There is hereby established a Board to be called the Construction Board of Adjustments and Appeals, which shall consist of seven members and two alternates. The Board shall be appointed by the governing body of the City.

#### (Ordinance No. 2530 of November 1, 2001)

#### 2. <u>Membership and Term of Appointment</u>

- (a) Membership. The Construction Board of Adjustments and Appeals shall consist of five (5) members appointed by City Council. The Board shall be composed of individuals with knowledge and experience in the Technical Codes, such as design professionals, contractors or building industry representatives. In addition to the regular members, the City Council may appoint up to four (4) alternate members. A Board member shall not act in a case in which he has any conflict of interest.
- (b) Terms. Two (2) members of the Board and the Chairman shall initially be appointed to serve a two-year term. The remaining two members of the Board shall initially be appointed to serve a one-year term. Subsequent appointments to the Board shall be for two-year terms, in order to stagger the terms of office of the Board Members so that only a portion of the Board is appointed or replaced in any 12-month period. Alternates shall serve for the same period as regular members. The alternates shall serve in the absence of one or more of the regular members. Vacancies shall be filled for an unexpired term. Continued absence of any member from required meetings of the Board shall, at the discretion of the governing body of the City, render any such member subject to immediate removal from office.
- (c) Quorum and Voting. All cases heard by the Board shall be heard by at least four (4) members. The concurring vote of four (4) members of the Board is necessary to take any action. In the event that regular members are unable to attend a meeting, the alternate members shall vote.
- (d) <u>Secretary of Board</u>. The Building Official shall appoint a Secretary to record minutes of the meetings of the Board and to make a detailed record of all of its proceedings, which shall set forth the reasons for its decision, the vote of each member, the absence of a member and any failure of a member to vote."

#### (Ordinance No. 2562 of June 13, 2002)

#### 3. Powers

The Construction Board of Adjustments and Appeals shall have the power, as further defined in this chapter, to hear appeals of decisions and interpretations of the Building Official and to consider variances to the terms of the Technical Codes.

#### 4. Appeals

- (a) <u>Decision of the Building Official</u>. The owner of a building, structure or service system, or his duly authorized agent, may appeal a decision of the Building Official to the Construction Board of Adjustments and Appeals whenever any one of the following conditions are claimed to exist:
  - (i) The Building Official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.
  - (ii) The provisions of this Code or the Technical Codes do not apply to this specific case.
  - (iii) An equally good or more desirable form of installation can be employed in any specific case.
  - (iv) The true intent and meaning of this Code or the Technical Codes or any of the regulations thereunder, have been misconstrued or incorrectly interpreted.
- (b) <u>Variances</u>. The Construction Board of Adjustments and Appeals, when so appealed to and after a hearing, may vary the application of any provision of this Code or the Technical Codes to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this Code or the Technical Codes or the public interest, and also finds all of the following:
  - (i) That special conditions and circumstances exist that are peculiar to the building, structure or service system involved and that are not applicable to others.
  - (ii) That the special conditions and circumstances do not result from the action or inaction of the applicant.
  - (iii) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Code or the Technical Codes to other buildings, structures or service system.
  - (iv) That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system.
  - (v) That the grant of the variance will be in harmony with the general intent and purpose of this Code or the Technical Codes and will not be detrimental to the public health, safety and general welfare.

In granting the variance, the Board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both. In addition, the Board may prescribe appropriate conditions and safeguards in conformity with this Code or the Technical Codes. Violation of the conditions of a variance shall be deemed a violation of this Code.

(c) <u>Notice of Appeal</u>. Notice of appeal shall be in writing and filed within thirty (30) calendar days after the decision is rendered by the Building Official. The notice of appeal shall be in a form acceptable to the Building Official.

#### 5. Procedures Of The Board

(a) Rules and Regulations. The Board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this Code or the Technical Codes. The Board shall meet on call of the Chairman. The Board shall meet within thirty (30) calendar days after notice of appeal has been received.

(b) <u>Decisions</u>. The Construction Board of Adjustments and Appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the Board shall also include the reasons for the decision. If a decision of the Board reverses or modifies a refusal, order, or disallowance of the Building Official or varies the application of any provision of this Code, the Building Official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the Building Official and shall be open to public inspection as required by State law. An official copy of the decision shall be sent by certified mail or by hand delivery to the applicant and a copy shall be kept publicly posted in the office of the Building Official for two weeks after filing. Every decision of the Board shall be final, subject however to such remedy as any aggrieved party might have at law or in equity.

#### B. BUILDING AND STANDARDS COMMISSION

#### Creation of the Building and Standards Commission

There shall be appointed by the City Council a building and standards commission to hear and determine cases concerning violations of the building code.

- (a) <u>Commission Members</u>. The commission shall consist of five (5) members appointed by City Council for two-year terms and four (4) alternate members who shall serve in the absence of one or more of the regular members when requested to do so by the mayor or City Manager. The alternate commission members serve for the same period and are subject to removal in the same manner as the regular members.
- (b) <u>Chairperson</u>. City Council will appoint one (1) member of the commission to serve as chairperson and one (1) member to serve as vice-chairperson on an annual basis.
- (c) Removal. The City Council may remove a commission member for cause on a written charge. Before a decision regarding removal is made, the City Council shall hold a public hearing on the matter if requested by the commission member subject to the removal action. Any member shall be automatically removed, without the necessity of charges and a hearing, in the event that said member is absent from twenty-five percent (25%) or more of the regularly scheduled meetings in a twelve (12) month period.

#### 2. Hearings Before the Commission

- (a) <u>Number</u>. All cases heard by the commission shall be heard by at least four members.
- (b) Rules. The commission may adopt rules and establish procedures for use in hearings, providing ample opportunity for presentation of evidence and testimony by persons opposing charges brought by the municipality through the Building Official or the Fire Marshal relating to alleged violations. The Commission shall appoint a chairman and an acting chairman to act in the chairman's absence.
- (c) <u>Meetings</u>. The meetings of the commission shall be held at the call of the Chairman and at other times established by the Commission. The meetings shall be open to the public.
- (d) Minutes. the Commission shall keep minutes of its proceedings showing the vote of each member on each question or the fact that a member is absent or fails to vote. The Commission shall keep records of its examinations and other official actions. The minutes and records shall be filed immediately in the office of the Commission as public records.
- (e) <u>Vote</u>. The concurring vote of four members of the Commission is necessary to take any action.

#### Representative

The Building Official or the Fire Marshall is hereby designated as the representative of the municipality before the Building and Standards Commission.

#### 4. Function of the Commission

<u>Cases Heard</u>. The Commission may hear cases concerning violations of ordinances that regulate:

- (a) the preservation of public safety, relating to the materials or methods used to construct a building or improvement, including the foundation, structural elements, electrical wiring or apparatus, plumbing and fixtures, entrances and exits:
- (b) relating to the fire safety of a building or improvement, including provisions relating to materials, types of construction or design, warning devices, availability of water supply for extinguishing fires, or location, design or width of entrances or exits:
- (c) relating to dangerously damaged or deteriorated buildings or improvements;
- (d) relating to conditions caused by accumulations of refuse, vegetation or other matter that creates a breeding ground for insects and rodents.

#### C. DANGEROUS STRUCTURES

- 1. The City may require the vacation, relocation of occupants, securing, repair, removal, or demolition of a structure that is:
  - (a) dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare;
  - (b) regardless of its structural condition, unoccupied by its owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or
  - (c) boarded up, fenced, or otherwise secured in any manner if: the building constitutes a danger to the public even though secured from entry; or the means used to secure the structure are inadequate to prevent unauthorized entry or use of the structure in the manner described in subsection (b) above.

#### 2. Minimum Standards

The minimum standards that shall determine the suitability of a structure for continued use or occupancy, regardless of the date of construction, are those found in the City's adopted Property Maintenance Code.

#### 3. Public Nuisance

All structures determined unsafe within the terms of this ordinance are hereby declared public nuisances and illegal and shall be vacated, secured, repaired, removed, demolished, or the occupants relocated as herein provided.

### 4. <u>Investigation</u>

When the Building Official or the Fire Marshall determines, whether on his own initiative or as the result of a complaint, that a structure may be unsafe within the meaning of this ordinance, he shall do the following:

(a) Conduct a drive-by inspection;

- (b) If the structure is occupied, present proper identification to the occupant and request entry to conduct an inspection;
- (c) If entry is refused or the structure unoccupied, an administrative search warrant must be obtained pursuant to Chapter 3, Section 1(6)(b) of the Code of Ordinances;
- (d) If the drive-by inspection and/or other facts suggest an emergency exists, an administrative search warrant is not required;
- (e) Upon completion of the inspection, the Building Official or Fire Marshall shall document any violations of this ordinance;
- (f) If, upon the conclusion of his investigation, the Building Official or the Fire Marshall concludes that there is probable cause to believe that the building is unsafe within the terms of this ordinance, he shall make a report to the Commission and give notice of a public hearing to the property owner(s), lienholder(s), and mortgagee(s) as herein provided.

#### 5. Notice of Hearings

- (a) Notices Sent. The Building Official or Fire Marshall, or their designee, shall, at least ten (10) calendar days prior to the hearing date, send to each property owner notice of the hearing in the following manner:
  - (1) by delivery to each party personally or by leaving the notice at the usual place of abode of that party with a person of sixteen (16) years of age or older or by depositing the notice in United States mail addressed to the party at his last known address, certified mail, return receipt requested;
  - (2) by posting the notice on or near the front door of the structure; and
  - (3) by publishing notice in the *Bryan/College Station Eagle* on two consecutive days.
  - (4) Notice shall also be filed in the Official Public Records of Real Property in the Brazos County Clerk's Office.
- (b) <u>Violations</u>. It shall be unlawful for any person to remove, deface or cover such notice posted pursuant to section 5(a)(2) above until after the date of the hearing.
- (c) Notice Contents. The notice of the hearing shall:
  - (1) be in writing;
  - (2) state the time and place of the hearing;
  - (3) provide a legal description of the affected property;
  - (4) list the name and address of the owner of the affected property if that information can be determined from a reasonable search of the instruments on file in the Brazos County Clerk's Office;
  - (5) list each owner, lienholder and mortgagee shown to have a legal interest in the property;
  - (6) describe each violation of the municipal standards which allegedly exists;
  - (7) state the action that will be recommended to the Commission by the Building Official or Fire Marshall which may include vacating, securing, repairing, removing or demolition of the structure or relocating occupants of the building;
  - (8) provide a description of the hearing;

- (9) state that the owner, lienholder or mortgagee will be required to submit at the hearing proof of the scope of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work; and
- (10) state that the City may perform any required work to abate the violation if the owner fails to do so.
- (d) Notice shall be provided to each mortgagee and lienholder in the same manner provided for in subsection (a) above.

#### 6. <u>Hearing Before the Commission</u>

- (a) The Building Official or Fire Marshall shall request a public hearing before the Commission for the purpose of determining whether a structure is unsafe within the terms of this ordinance. The Building Official or Fire Marshall shall present all cases before the Commission.
- (b) In a public hearing to determine whether a structure complies with the standards set out in the City's Code of Ordinances, the owner, mortgagee, or lienholder has the burden of proof to demonstrate the scope of any work that may be required to comply with the Code of Ordinances and the time it will take to reasonably perform such work.
- (c) The Commission shall provide each party an opportunity to present evidence and cross examine witnesses at the hearing.

#### 7. Action of the Commission

- (a) <u>Decision</u>. Upon conclusion of the hearing, the Commission may declare a structure unsafe within the terms of this ordinance.
- (b) <u>Commission Order</u>. If the Commission determines the structure is unsafe within the terms of this ordinance, it shall proceed to determine whether the structure should be vacated, repaired, secured, demolished and/or the occupants relocated under the standards contained herein and in accordance with the following:
  - (1) If the structure can be feasibly repaired or the dangerous condition remedied so that violations no longer exist, it shall be ordered repaired or remedied. Repairs shall be deemed feasible if the cost of repair, reconstruction or improvement of a structure, equals less than fifty percent (50%) of the market value of the structure.
  - (2) In any case where fifty percent (50%) or more of the value of a structure is damaged or deteriorated, it shall be ordered demolished or removed, and in all cases where a structure cannot be repaired so that it will no longer be considered dangerous under the provision of this ordinance, it shall be demolished or removed.
- (c) Order. Upon determining that the structure should be either vacated, repaired, secured, demolished and/or the occupants relocated, the Commission shall issue an order stating that the required action be taken by the owner within a specified reasonable time as provided in subsection 8 below.
- (d) Notification to Owner. The Building Official or Fire Marshall shall, no later than the next working day after the Commission issues an order, mail by certified mail, return receipt requested, a copy of the order to the owner of the structure and to any mortgagee or lienholder.
- (e) <u>Public Notice</u>. Within ten (10) calendar days after the date the order is issued, the Building Official or Fire Marshall shall:
  - (1) file a copy of the order in the office of the City Secretary; and

(2) publish in the *Bryan/College Station Eagle* a notice containing the street address or legal description of the property, the date of the hearing, a brief statement indicating the results of the order, and instructions stating where a complete copy of the order may be obtained.

#### 8. Compliance

- (a) Each order issued by the Commission shall require the owner to, within thirty (30) calendar days:
  - (1) secure the structure from unauthorized entry; or
  - (2) repair, remove, or demolish the structure, unless the owner, mortgagee or lienholder establishes at the hearing that the work cannot reasonably be performed within thirty (30) days.
- (b) In the event that the owner fails to comply with the order, the Commission's order may allow an additional thirty (30) calendar days to any lienholder or mortgagee to comply with subsection (a) above.
- (c) If the Commission allows the owner, mortgagee, or lienholder more than thirty (30) calendar days to repair, remove, or demolish the building, the municipality shall establish specific time schedules for the commencement and performance of the work and shall require the owner, lienholder or mortgagee to secure the property in a reasonable manner from unauthorized entry while the work is being performed, as determined by the Building Official or Fire Marshall.
- (d) The Commission may not allow the owner, lienholder, or mortgagee more than ninety (90) calendar days to repair, remove, or demolish the structure or fully perform all work to comply with the order unless the owner, lienholder or mortgagee:
  - submits a detailed plan and time schedule for the work at the hearing;
     and
  - (2) establishes at the hearing that the work cannot reasonably be completed within ninety (90) calendar days because of the scope and complexity of the work.
- (e) If the Commission allows the owner, lienholder, or mortgagee more than ninety (90) calendar days to complete any part of the work required to repair, remove, or demolish the building, the Commission shall require the owner, lienholder, or mortgagee to regularly submit progress reports to the Building Official or Fire Marshall to demonstrate compliance with the time schedules established for commencement and performance of the work. The order may require that the owner, lienholder, or mortgagee appear before the Building Official or Fire Marshall to demonstrate compliance with the time schedules. If the owner, lienholder or mortgagee owns property, including structures or improvements on property within city boundaries that exceeds \$100,000.00 in total value, the city may require the owner, lienholder or mortgagee to post a cash or surety bond in an amount adequate to cover the cost of repairing, removing or demolishing a building under this ordinance. In lieu of a bond, the city may require the owner, lienholder or mortgagee to provide a letter of credit from a financial institution or a guaranty from a third party approved by the city. The bond must be posted, or the letter of credit or third party guaranty provided, not later than the thirtieth (30<sup>th</sup>) day after the date the commission issues the order.
- (f) If the Building Official or Fire Marshall finds that the owner has failed to comply with the Commission's order he shall notify the lienholder and mortgagee in writing by certified mail, return receipt requested, with a copy of the order.
- (g) If the Building Official or Fire Marshall, finds that neither the owner nor the lienholder(s) and mortgagee(s) have complied, he shall notify the Commission.

#### 9. Abatement by City

- (a) If the unsafe structure is not vacated, secured, repaired, removed, or demolished, or the occupants are not relocated within the time allowed by order, the Commission may, upon the recommendation of the Building Official or Fire Marshall, order the City to vacate, secure, repair, remove, or demolish the structure or relocate the occupants at the City's expense. This provision does not limit the city's ability to collect on a bond or other financial guaranty that is required under paragraph 8 (e).
- (b) The Commission may order a structure repaired under subsection (a) above only to the extent necessary to bring the structure into compliance with the minimum standards and only if the structure is a residential building with ten (10) or fewer dwelling units.
- (c) The owner of the unsafe structure shall be charged the City's expense to vacate, secure, repair, remove, or demolish the structure or to relocate the occupants. Such charges shall include, but are not limited to: the expense of inspection or testing by third parties; photography; publication; title search; attorney's fees; labor and equipment costs for preparation of the premises, work to secure, repair or demolish; clean up and remove debris; and landfill fees.
- (d) The Building Official or Fire Marshall shall certify the expenses incurred to enforce the Commission's order. The certified expenses shall be forwarded to the City's Accounting Department.
- (e) The City may assess expenses on, and the City shall have a lien against, the property on which the structure was located, unless the property is a homestead as protected by the Texas Constitution.
- (f) Notice of the lien shall be provided to the property owner. Notice of the lien shall be recorded and indexed in the Brazos County Clerk's Office. The notice must contain: the name and address of the owner if that information can be determined with a reasonable effort; a legal description of the real property on which the structure was located; the amount of the expenses incurred by the City; the interest rate to be charged; and the balance due.
- (g) The City's lien is a privileged lien subordinate only to tax liens. Such lien shall bear an interest rate of ten percent (10%) per annum until paid.
- (h) The lien for repair expenses may not be foreclosed if the property on which the repairs were made is occupied as a residential homestead by a person sixty-five (65) years of age or older.

#### 10. Emergency Actions

In cases where a structure is determined unsafe under the terms of this ordinance by the Building Official or Fire Marshall, and such structure or the manner of its use constitutes an "imminent danger" to health, life or property, the condition shall justify the use of emergency measures. "Imminent danger" exists where there is considerable risk of danger or peril and where accidents or injuries are likely to occur. Under those conditions, the City manager may order the owner of the structure, the owner's agent, or the owner or occupant of the property to vacate, repair, remove or demolish the structure to the extent necessary to alleviate the imminent danger. If the owner, agent or occupant fails to comply with the order within seventy-two (72) hours, the City may vacate, repair, remove or demolish the structure and assess the expenses of such action against the property. Notice of the assessment and recovery of the expenses shall be in the manner provided for in section 9 of this ordinance.

#### 11. <u>Appellate Review</u>

Any owner, lienholder, or mortgagee of record shall have the right to appeal the decision of the Commission to district court. The petition must be filed with the District Court Clerk within thirty (30) calendar days from the date the Commission's order is mailed to the owner, lienholder, or mortgagee. Appeal in the district court shall be limited to a hearing under the substantial evidence rule. The Commission's decision shall become final if no appeal is taken within the thirty (30) calendar day time period.

#### 12. Liability of City for Action Under This Ordinance

Neither the City nor any authorized agent acting under the terms of this ordinance shall be liable or have any liability by reason of orders issued or work done in compliance with the terms of this section.

#### H. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Code or the Technical Codes is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code or the Technical Codes.

#### I. VIOLATIONS AND PENALTIES

Any person, firm, corporation or agent who shall violate a provision of this Code or the Technical Codes, or fails to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish or move any structure, electrical, gas, mechanical, plumbing or fire protection system, or has erected, constructed, altered, repaired, moved or demolished a building, structure, electrical, gas, mechanical, plumbing or fire protection system, in violation of a detailed statement or drawing submitted and permitted thereunder, shall be guilty of a misdemeanor. Each such person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code or the Technical Codes is committed or continued, and upon conviction of any such violation such person shall be punished with a fine pursuant to the general penalty section of the Code of Ordinances."

#### SECTION 2: RIGHT-OF-WAY MAINTENANCE

#### A. GOVERNING LAW; LIMITATIONS; COMPLIANCE

- (1) This ordinance shall be construed in accordance with the City's Charter and Code in effect on the effective Date of this ordinance to the extent that such Charter and Code are not in conflict with or in violation of the Constitution and laws of the United States or the State of Texas.
- (2) This ordinance shall be governed in accordance with the laws of the State of Texas.

#### B. CIVIL PENALTIES

- (1) Civil penalties may be imposed for the violation of any provision of this Chapter, as follows:
  - (a) Up to One Thousand Dollars (\$1,000.00) for each violation, and each day of a continuing violation may be considered a new violation; and/or
  - (b) If applicable, default and revocation of any or all permits granted to allow work in the right-of-way, subject to the procedural guidelines noted in this chapter and any agreement which applies to the right-of-way user, and further subject to any limitations imposed by federal or state law.
  - (c) In imposing the penalties and the amount, the City may weigh all applicable factors, such as damages caused by the violation, economic benefit to the violator, reasons for the violation, the seriousness of the violation, and all other factors.
- (2) Monetary civil penalties may be imposed in the manner prescribed by either local or state law.
- (3) In addition, the City Council may order specific performance of any actions required by this chapter or required by a franchise, license or permit, including the permit authorizing work to be performed in the rights-of-way, or any other agreement or authorization.
- (4) Prior to initiation of enforcement litigation, the user shall be given the opportunity to correct the violation within time frame specified by the City.
- (5) For the purposes of this Ordinance, when not inconsistent with the context, words, used in the present tense include the future tense, words in the plural include the singular, and words in the singular include the plural, and the use of any gender shall be applicable to all genders whenever the sense requires. The words "shall" and "will" are mandatory and the word "may" is permissive. Words not defined in this Ordinance shall be given their common and ordinary meaning.

#### C. CRIMINAL PENALTIES

(1) That any person, firm, or corporation willfully and intentionally violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

#### D. DEFINITIONS

**Person** shall include unless otherwise required in context, a natural person, a legal entity or other group or organization.

**Facilities** means all the plant and equipment including all tangible and intangible real and personal property without limitation, and any and all means and instrumentality in any manner owned, operated, leased, licensed, used, controlled, furnished, or supplied for, by, or in connection with its business.

Owner means the person who owns the facilities located in the City's right-of-way.

**Permit** means the document issued by the City to the owner of the facilities that authorizes the use of the right-of-way by the owner to install and maintain its facilities.

Permittee means the owner.

**User** means a person who uses the City's rights-of-way to install its facilities.

Right of Way means the surface of, and the space above and below a public street, road, highway, freeway, land, path, public way or place, alley, court, boulevard, parkway, drive, or other easement no or hereafter held by the City (including any street, as defined, which is acquired by eminent domain) for the purpose of public travel and shall include other easements or rights-of-way now or hereafter held by the City or in which the City has an interest (including any easements or rights-of-way acquired by eminent domain) which shall, with their proper use and meaning, entitle the City and a utility to use thereof for the purpose of installing facilities, and other property as may ordinarily be necessary and pertinent to a utility system

**Easement** means and shall include any public easement or other compatible use created by dedication, or by other means, to the City for public utility purposes or any other purpose whatsoever.

City means the City of College Station, Texas, a home-rule municipal corporation

**Applicant** means the owner who submits an application to the City for a permit authorized under the terms and conditions set forth in this Ordinance. An application is not considered administratively complete if it is not signed by and submitted by the owner or the owner's authorized representative or if it does not contain all of the information required by the application or this ordinance or if the required fee has not been submitted with the application.

**Franchise** means the user fee or charge that the City requires as payment for using its streets, rights-of-way, public ways, and easements of the City in order to construct, maintain, and operate a private utility system, and includes fees for permits or licenses.

**Invalid Permit** – a permit will not be considered valid if it contains information that is incorrect at the time it was submitted or if it is executed by an unauthorized representative or if the applicant has made any misrepresentation of material fact in the application.

#### E. RIGHT-OF-WAY CONSTRUCTION.

No person shall commence or continue with the construction, installation or operation of facilities within the right-of-way in the City except as provided by the ordinances of the City and the directives of the City. All construction activity in City right-of-way will be in accordance with this Chapter.

(Ordinance No. 2530 of November 1, 2001)

#### F. REGISTRATION AND CONSTRUCTION PERMITS

- (1) Registration. In order to protect the public health, safety and welfare, all users of the right-of-way will register with the City of College Station. Right of way users who are telecommunications providers and pay annual blanket right-of-way fees pursuant to Chapter 283 of the Texas Local Government Code as amended or users who hold a valid franchise with the City are exempt from the payment of registration fees under this Ordinance. Registration and permits will be issued in the name of the person who owns the facilities. Registration must be renewed every five (5) years. For utilities with a current franchise or license, the franchise or license will be evidence of renewal. If a registration is not renewed, and subject to sixty (60)-day notification to the owner, the facilities of the user will be deemed to have been abandoned. When any information provided for the registration changes, the user will inform the City of College Station of the change no more than thirty (30) days after the date the change is made. Registration shall include:
  - (a) The name of the user of the right-of-way;

- (b) The name, address and telephone number of people who will be contact person(s) for the user;
- (c) The name, address and telephone number of any contractor or subcontractor, if known, who will be working in the right-of-way on behalf of the user;
- (d) The name(s) and telephone number of an emergency contact who shall be available twenty-four (24) hours a day;
- (e) Proof of insurance and bonds:
  - 1. An applicant must provide acceptable proof of liability insurance in the total amount of Five Million Dollars (\$5,000,000.00); Two Million Dollars (\$2,000,000.00) primary plus Three Million Dollars (\$3,000,000.00) umbrella if requested by the owner of the facilities, or other provisions as acceptable to the director of financial services or his/her designee. The City Manager or his / her designee may waive or reduce the bonding requirements in a non-discriminatory, competitively neutral manner, taking into consideration both that the person has furnished the City with documentation sufficient in the sole discretion of the Finance Director to evidence adequate financial resources substantially greater than the bonding requirements, has a Standard & Poor's A bond rating or better or a Moody's A bond rating or better, and has demonstrated in prior right-of-way construction activity, prompt resolution of any claims and substantial compliance with all required applicable building codes and ordinances.
  - 2. The coverage must be on an "occurrence" basis and must include coverage for personal injury, contractual liability, premise liability, medical damages, underground, explosion and collapse hazards.
  - 3. Each policy must include a cancellation provision in which the insurance company is required to notify the City in writing not fewer than thirty (30) days before canceling, failing to renew, or reducing policy limits.
  - 4. The applicant shall file the required original certificate of insurance prior to any commencement of work. The certificate shall state the policy number; name of the insurance company; name and address of the agent or authorized representative of the insurance company; name, address and telephone number of insured; policy expiration date; and specific coverage amounts.
  - 5. Applicant shall file an annual surety bond which will be valid each year construction will occur through one (1) full year after the completion of the construction from a surety company authorized to do business in the State of Texas in the amount of the estimated amount of the cost to restore the right-of-way for the work anticipated to be done in that year, in the event the applicant leaves a job site in the right-of-way unfinished, incomplete or unsafe or other provisions as acceptable to the director of financial services or his/her designee.
  - 6. The above requirements may be met by utilities with a current franchise or license if their current franchise or license adequately provides for insurance or bonds or provides an indemnity in favor of the City.

#### (2) Construction permits.

(a) No person shall perform any construction or installation of facilities in the right-of-way without first obtaining a construction permit, except as provided herein. The permit will be in the name of the person who will own the facilities to be constructed. The permit must be completed and signed by a representative of the owner of the facilities to be constructed.

- The phrase "construction or installation of facilities" does not include the installation of facilities necessary to initiate service to a customer's property, or repair or maintenance of existing facilities unless such repair or maintenance requires the breaking of pavement; the closure of a nonresidential traffic lane; excavation or boring.
- Emergency responses related to existing facilities may be undertaken without first obtaining a permit; however the City shall be notified in writing within two (2) business days of any construction related to an emergency response; including a reasonably detailed description of the work performed in the right-of-way and an updated map in a format prescribed by the City of any facilities that were relocated, if applicable.
- 3. Emergency response permits are required only if a permit is required pursuant to the applicable provisions herein.
- (b) The permit shall state to whom it is issued, location of work, location of facilities, dates and times work is to take place and any other conditions established by the City.
- (c) The person requesting a permit will provide the City with documentation in the format specified by the City describing:
  - The proposed, approximate location and route of all facilities to be constructed or installed and the applicant's plan for right-of-way construction.
  - 2. Engineering plans which will be on a scale of one inch (1") equals fifty feet (50') unless otherwise approved by the City.
  - 3. Detail of the location of all right-of-way and utility easements that applicant plans to use.
  - Detail of all existing City utilities in relationship to applicant's proposed route.
  - 5. Detail of what facilities the applicant proposes to install, such as pipe size, number of interducts, valves, etc.
  - 6. Detail of plans to remove and replace asphalt or concrete in streets (include City of College Station standard construction details).
  - Drawings of any bores, trenches, handholes, manholes, switch gear, transformers, pedestals, etc. including depth located in public right-ofway.
  - 8. Handhole and/or manhole typical of types of manholes and/or handholes applicant plans to use or access.
  - Complete legend of drawings submitted by applicant unless otherwise approved by the City.
  - 10. Four (4) sets of engineering plans must be submitted with permit application.
  - 11. The name, address and phone numbers of the contractor or subcontractor who will perform the actual construction, including the name and telephone number of an individual employed by the contractor who will be available at all times during construction. Such information shall be required prior to the commencement of any work.
  - 12. The construction and installation methods to be employed for the protection of existing structures, fixtures, and facilities within or adjacent

to the right-of-way, and the dates and times work will occur, all of which (methods, dates, times, etc.) are subject to approval of the City.

- 13. A statement that the requirements of Subsection F(1)(e)1 are met.
- (d) All construction and installation in the right-of-way shall be in accordance with the permit for the facilities and any approved plans and specifications made in connection with it. The City shall be provided access to the worksite and to such further information as may be reasonably required to ensure compliance with the permit.
- (e) A copy of the construction permit and approved engineering plans shall be maintained at the construction site and made available for inspection by the City at all times when construction or installation work is occurring.
- (f) All construction or installation work authorized by permit must be completed in the time specified in the construction permit. If the work cannot be completed within the specified time periods, the permittee may request an extension from the City. Extension requests are to be made at the same location where permits are issued. The City will use its best efforts to approve or disapprove a request for extension as soon as possible.
- (g) A copy of any permit or approval issued by federal or state authorities for work in federal or state right-of-way located in the City of College Station, if requested by the City.
- (h) A request for a permit must be submitted at least ten (10) working days before the proposed commencement of work in the request, unless waived by the City in writing.
- (i) Requests for permits will be approved or disapproved by the City within a five (5) business days of receiving all the necessary information. The City will use best efforts to approve or disapprove a request for permit as soon as possible. City will provide reason to permittee should permit be disapproved.
- (j) The City or the applicant can request a pre-construction meeting with the permittee and their construction contractor.
- (k) Permit applications are required for construction of new, replacement facilities or upgrading of the company's existing facilities in the right-of-way or public utility easement either aerial or underground.

#### (3) Registration and Construction Permit Fees

- (a) The Registration Fee of \$50.00 will apply to those right-of-way users who do not pay annual blanket right-of-way fees.
- (b) The Construction Permit Fee of \$850.00 will apply to those right-of-way users who do not pay annual blanket right-of-way fees.

#### (Ordinance No. 2781 of January 27, 2005)

#### G. CONSTRUCTION STANDARDS.

- (1) City must be notified twenty-four (24) hours in advance that construction is ready to proceed by either the right-of-way user, their contractor or representative. At the time of notification, the right-of-way user will inform the City of the number (or other information) assigned from the one-call system.
- (2) All construction shall be in conformance with all applicable City codes, local, state and federal laws.
- (3) Three-by-three (3 x 3) feet information signs identifying the name of the company doing the work, telephone number and permittee's identity and telephone number shall be

placed at the location where construction is to occur prior to the beginning of work in the right-of-way and shall continue to be posted at the location during the entire time the work is occurring. An informational sign will be posted in public right-of-way one hundred feet (100') before the construction location commences and each one hundred feet (100') thereafter, unless other posting arrangements are approved or required by the City.

- (4) Erosion control measures (e.g. silt fence) and advance warning signs, markers, cones and barricades must be in place before work begins. The contractor will contain and prevent all soil from migrating offsite by use of water suppression, vehicle cleaning areas, silt fences, hay bales, etc.
- (5) The Contractor will maintain base material on streets under construction and on detours as required to maintain sufficient moisture content in surface layer for dust control. The Contractor will be responsible for cleaning mud and dust from roadways on a daily basis.
- (6) Lane closures on major thoroughfares will be limited after 8:30 a.m. and before 4:00 p.m. unless the City grants prior written approval. Arrow boards will be required on lane closures, with all barricades, advance warning signs and thirty-six inch (36") reflector cones placed according to the specifications of the City.
- (7) Permittee is responsible for the quality of the workmanship and any damage caused by its contractors or subcontractors. A designated representative of the permittee will be available to the City at all times during construction.
- (8) Permittee shall be responsible for storm water management erosion control that complies with City, state and federal regulations and guidelines. Requirements shall include, but not be limited to, silt fencing around any excavation that will be left overnight, silt fencing in erosion areas until reasonable vegetation is established, barricade fencing around open holes, and high erosion areas will require wire-backed silt fencing. Upon request permittee may be required to furnish documentation submitted or received from federal or state government.
- (9) Permittee, contractor or subcontractor will notify the City immediately of any damage to other utilities, either City or privately owned.
- (10) It is the City's policy not to cut streets or sidewalks; however, when a street or sidewalk cut is necessary, prior written approval must be obtained from the City and all requirements of the City shall be followed. Repair of all street and sidewalk removals must be made promptly to avoid safety hazards to vehicle and pedestrian traffic.
- (11) Installation of facilities must not interfere with City utilities, in particular, gravity dependent facilities.
- (12) New facilities must be installed to a depth approved by the City.
- (13) All directional boring shall have locator-place bore marks and depths while bore is in progress. Locator shall place mark at each stem with paint dot and depth at least every other stem.
- (14) The working hours in the rights-of-way are 7:00 a.m. to thirty (30) minutes before sunset, Monday through Friday. Work that must be performed after thirty (30) minutes before sunset Monday through Friday must be approved in advance. Any work performed on Saturday must be pre-approved twenty-four (24) hours in advance by the City. Directional boring is permitted only Monday through Friday 7:00 a.m. to thirty (30) minutes before sunset, unless approved in advance. No work will be done, except for emergencies, on City holidays.
- (15) People working in the right-of-way are responsible for obtaining line locates from all affected utilities or others with facilities in the right-of-way prior to any excavation. Use of the Geographic Information System or the plans of record or both does not satisfy this requirement.
- (16) Permittee will be responsible for verifying the location, both horizontal and vertical, of all facilities. When required by the City, permittee shall verify locations by pot holing, hand

- digging or other method approved by the City prior to any excavation or boring with the exception of work involving lane closures, as discussed above.
- (17) Placement of all manholes and/or hand holes must be approved in advance by the City. Handholes or manholes will not be located in sidewalks, unless approved by the City.
- (18) Locate flags shall not be removed from a location while facilities are being constructed.
- (19) Construction which requires pumping of water or mud shall be contained in accordance with City of College Station ordinances, federal and state law.

#### H. PLANS OF RECORD

- (1) Right-of-way and public utility easement users will provide the City with "plans of record" (also called "as built" plans) within ninety (90) days of completion of facilities in the right-of-way and/or public utility easement. Users who have existing facilities in the right-of-way and public utility easements as of the effective date of this ordinance who have not provided a copy of the "plans of record" shall provide one-fourth (¼) of the information concerning facilities in City right-of-way within one (1) year after the passage of the ordinance and one-fourth (¼) each six (6) months thereafter. The plans shall be provided to the City with as much detail and accuracy as required by the City. Plans that do not meet these requirements are incomplete and shall not be considered submitted to the City under this Ordinance All the requirements specified for the plans submitted for the initial permit shall be submitted and updated in the plans of record. The detail and accuracy will concern issues such as location and any other health, safety and welfare concerns required to be included by City. The detail will not include matters such as capacity of lines, customers, or competitively sensitive details. Submittal of "plans of record" shall be in digital format.
- (2) This requirement, or portions of this requirement, may be waived by the City for good cause.

#### I. RELOCATION OF FACILITIES REQUIRED; ABANDONMENT

Whenever the City widens, or straightens, installs, relocates public streets, alleys, easements, bikeways, sidewalks, thoroughfares, highways, public ways, water lines, electric lines, fiber optic or sewer lines, the user shall relocate, at its own expense (unless otherwise provided otherwise by state law or a franchise in effect on August 26, 1999, until that franchise expires or is otherwise terminated), its facilities and other appurtenances in order to accommodate the installation, relocation, widening, or changing of the grade of same including if necessary relocating such poles wire cables anchors, manholes, conduits, or other facilities or appurtenances to a sufficient distance from the edge of the pavement to permit a reasonable work area for machinery and individuals engaged in installing, relocating, widening, or changing the grade of any public street, sidewalk, bikeway, alley, public thoroughfare, highway or public way. Additionally, the user must relocate at its sole expense any facilities erected or maintained if said relocation is deemed necessary by the governing body or its designated representative for traffic safety purposes or the accommodation of other necessary utilities owned and/or operated by the City including traffic signals. Whenever by reason of changes in the grade of a thoroughfare or in the location or manner of constructing a water pipe, gas pipe sewer or other aboveground or underground structure it is deemed necessary by the City to remove, alter change adapt or conform the underground or aboveground facilities of the user, the user shall make the promptly but not later than ninety (90) days from the date that notice is sent to Owner unless a different schedule was approved by the City without claim for reimbursement or damages against the City. If Owner fails to move its facilities after ninety (90) days or the approved schedule, whichever is applicable, as same may be extended from time to time, the facilities shall be deemed abandoned and City may remove the facilities without liability therefore and charge the cost of removal to Owner.

#### J. IMPROPERLY INSTALLED FACILITIES.

(1) Any person doing work in the City right-of-way shall install, repair, upgrade and maintain facilities in a good and workmanlike manner, and in accordance with the standards and specifications established herein as well as all applicable industry standards, and local, state, administrative and federal laws, rules, regulations and guidelines.

- (2) Facilities shall be considered to be improperly installed, repaired, upgraded or maintained if:
  - (a) The installation, repairs, upgrade or maintenance endangers property or people;
  - (b) The facilities do not meet the applicable City codes;
  - (c) The facilities are not capable of being located using standard practices;
  - (d) The facilities are not located in the proper place at the time of construction in accordance with the directions provided by the City.

#### K. RESTORATION OF PROPERTY.

- (1) Users of the right-of-way shall restore property affected by construction of facilities to a condition that is equal to or better than the condition of the property prior to the performance of the work. Restoration must be approved by the City.
- (2) Restoration must be to the reasonable satisfaction of the City. The restoration shall include, but not be limited to:
  - (a) Replacing all ground cover with the type of ground cover damaged during work or better either by sodding or seeding, as directed by the City;
  - (b) Installation of all manholes and handholes, as required;
  - (c) Backfilling all bore pits, potholes, trenches or any other holes shall be filled in daily, unless other safety requirements are approved by the City;
  - (d) Leveling of all trenches and backhoe lines;
  - (e) Restoration of excavation site to City specifications;
  - (f) Restoration of all landscaping, and sprinkler systems.
    - 1. All locate flags shall be removed during the clean up process by the permittee or his/her contractor at the completion of the work.
    - Restoration must be made promptly, as specified by approved City schedules and to the satisfaction of the City. If restoration is not performed promptly, all work-in-progress, except that related to the problem, including all work previously permitted but incomplete may be halted and a hold may be placed on any permits in progress but not approved until all restoration is complete.

#### L. REVOCATION OR DENIAL OF PERMIT.

If any of the provisions of this ordinance are not followed, a permit may be revoked by the City. If a person has not complied with the terms and conditions of this ordinance in work done pursuant to a prior permit, new permits may be denied or additional terms and conditions required.

#### M. APPEAL FROM DENIAL OR REVOCATION OF PERMIT.

Appeal from denial or revocation of a permit or from the decision of the City staff shall be to the City Council. Appeal shall be filed with the City Secretary within fifteen (15) days from the date of the decision being appealed."

#### **SECTION 3: DEVELOPMENT OF STREETS**

#### A. SCOPE AND PURPOSE

- (1) This section shall govern the development of all streets, sidewalks, bikeways, driveways and vehicular parking on streets, within the corporate limits of the City of College Station, Texas, including both the subdivided and unsubdivided portion of the City, and within the extraterritorial jurisdiction of the City as established by the Local Government Code, as amended.
- (2) The regulation of street development is a major factor of sound community growth and ultimately becomes a public responsibility in that the streets must be maintained together with the utilities established thereon. The welfare of the entire community is thereby affected in many important respects. It is the intent of these regulations to encourage the growth of the City of College Station in an orderly manner, and they are deemed to be the minimum requirements as adopted by the City Council for the protection of the public health, safety, and welfare.

#### B. DEFINITIONS

For the purpose of this section, certain words as used herein are defined as follows:

- (1) <u>Bikeway</u> is a trail, path, part of a highway shoulder, or any other means specifically marked and assigned for bicycle use. Bikeway facilities are further classified as bike paths, lanes, and routes.
- (2) City refers to the municipal corporation, City of College Station, Texas.
- (3) <u>Corner</u> means the point of intersection of the lines of two (2) street curbs extended into the street intersection.
- (4) <u>Cul-de-sac</u> means a street having only one (1) outlet to another street and terminating on the other end in a vehicular turnaround.
- (5) <u>Curb Return</u> means that portion of a curb which is constructed on a curve, to connect normal street curbs at a street intersection, or at driveway approaches connecting the street curb to the driveway approach.
- (6) <u>Driveway</u> means a place on private property for vehicular traffic.
- (7) <u>Driveway Approach</u> means an area or facility between the street and private property intended to provide access for vehicles from the street to private property. A driveway approach must provide access to something definite on private property, such as parking area, a driveway, or a door at least eight feet (8') in width, intended and used for entrance of vehicles.
- (8) Extraterritorial Jurisdiction (within the terms of the Local Government Code) means the unincorporated area, not a part of any other city, which is contiguous to the corporate limits of the City of College Station, the outer boundaries of which are measured from the extremities of the corporate limits of the City, outward for such distances as may be stipulated in the Local Government Code, in which area, the City may enjoin the violations of this street regulations section.
- (9) <u>Major Streets</u> include major and minor arterial and major collector streets,
- (10) Minor Streets include residential, minor, collector, and rural streets.
- (11) May is permissive.
- (12) Parking shall mean parallel parking (parallel to traffic lanes).
- (13) <u>Principal Streets</u> include all major streets and minor collector streets as designated on the Thoroughfare and Transportation Improvement Plan.
- (14) Right-of-Way (in this case) refers to right-of-way for streets and alleys, which includes pavement, sidewalks, bikeways, utilities, and other public use.

- (15) Shall is always mandatory.
- (16) <u>Sidewalk</u> is a paved way for pedestrian traffic.
- (17) <u>Street</u> is a way for vehicular traffic or parking, whether designated as a highway or any of the following types:
  - (a) Residential or local street serves a residential neighborhood, either a cul-de-sac, loop or short street of restricted use.
  - (b) Minor collector street is to serve other residential areas primarily internal to one neighborhood.
  - (c) Major collector streets collect and distribute traffic between residential, and minor collector streets and the arterial street system.
  - (d) Major and minor arterial streets are the backbone of the thoroughfare system. They are area wide or cross town thoroughfares serving commercial land uses and commuters for the mass movement of traffic.
- (18) Street Width shall mean the distance as measured from back of curb to the back of curb. In the case where there is no curb, street width shall mean the distance between the edges of pavement.
- (19) Thoroughfare and Transportation Improvement Plan refers to a plan which is a part of this section and which establishes a location for certain principal traffic ways within the corporate limits of the City, and within the extraterritorial jurisdiction of the City.

#### C. STANDARDS OF STREET CONSTRUCTION

#### (1) Residential Streets

Residential or local streets are restricted to cul-de-sacs, loops, or short streets with the following additional restrictions: A cul-de-sac shall not be over six hundred feet (600') in length and shall terminate in a turnaround of not less than a fifty foot (50') radius. A loop shall terminate in a collector street at both ends. Right-of-way width shall be not less than fifty feet (50'), and if utility easements are not provided at the back of lots, the width shall be increased as required by the City Engineer. Street width shall be not less than twenty-seven feet (27'). Parking may be permitted. Sidewalks are mandatory on one side of the street, with the exception of cul-de-sac streets. Cul-de-sacs will be required to have a sidewalk on one side, if needed to provide through pedestrian movement.

#### (2) Collector Streets

Collector streets are thoroughfares providing for two (2) to four (4) lanes of moving traffic. It is to be distinctly understood that although parking may be permitted on the side of such streets in their early life, that the City may and will prohibit parking on such streets when traffic conditions warrant such action Sidewalks are required on both sides of the street.

#### (3) Arterial Streets

Arterial streets are major thoroughfares providing for four (4) to six (6) lanes of moving traffic. It is to be distinctly understood that although parking may be permitted on the side of such streets in their early life, that the city may and will prohibit parking on such streets when traffic conditions warrant such action Sidewalks are required on both sides of the street.

#### D. PAVING AND REPAVING OF EXISTING MINOR STREETS

- (1) In the established and platted parts of the City, priority in minor street construction will be determined and established from time to time by the City Council, based upon recommendations by the City staff.
- Where the owners of more than fifty percent (50%) of the abutting lots along any existing minor street or way shall request paving or repaving of same by petition presented to the City Council showing the signatures of each of the record owners of such lots, the City staff shall review the proposed project and present its conclusions concerning same to the City Council within forty-five (45) days. The Council shall give priority to such projects where feasible, consistent with the needs of the public for safe and adequate streets and public ways and the financial circumstances pertinent to the project.
- (3) Paving or repaving of existing streets shall be in accordance with plans and specifications reviewed and approved by the City Engineer or his delegate.
- (4) The City Council may require the execution of a mechanic's and materialmen's lien contract, approved by the City Attorney, from the owners of at least 90% of the abutting lot owners to cover the estimated portions of the construction cost for each such lot, prior to the approval of any proposed paving or repaving.

#### E. <u>SIDEWALKS</u>

Sidewalks are required on both sides of all streets, with exceptions for residential streets. (see Section 3.D.1.) Sidewalks may be constructed on existing streets upon petition of property owners (see subsection H below). Sidewalks shall be constructed in accordance with Chapter 9, Section 8, General Requirements and Minimum Standards of Design.

#### (1) Clear Width

If conditions warrant the construction or placement of an obstruction within the paved area of the sidewalk, the party responsible for placing such obstruction within the traveled way shall ensure a clear width within the sidewalk as specified in Chapter 9, Section 8-M.4.

#### F. PRIORITY IN SIDEWALK CONSTRUCTION

In the established and platted part of the City, priority in sidewalk construction will be established by the City Council, based on recommendations of the City Manager and City Engineer. Lengths shall be one (1) block or more. First consideration will be given to major streets, second consideration to minor streets; however, no consideration will be given until petitioned by property owners representing a percentage of the front footage of the property as established by policy of the City Council, and funds are available. The Council may, however, at its discretion, when a situation warrants, arrange for construction without a signed petition.

#### G. BIKEWAYS

#### (1) General

Bikeways will be required in accordance with the Bikeway Master Plan. Bikeway facilities are planned and located to integrate with the existing City street and Park system. The facilities are strategically located on primarily a demand basis to minimize their numbers and to provide a bikeway to certain areas or neighborhoods within the City.

The developer shall be responsible for the cost of installing bikeway facilities, including the cost for signs and pavement markings. If additional right-of-way or pavement section is necessary to install a bikeway, the City may participate in the cost to install bikeway facilities in a manner similar to oversize participation on streets.

#### H. DRIVEWAY ACCESS LOCATION AND DESIGN POLICY

#### (1) General

- (a) It shall be unlawful for any person to cut, break, or remove any curb along a street except as herein authorized.
- (b) It shall be unlawful for any person to construct, alter, or extend, or permit or cause to be constructed, altered, or extended any driveway approach which can be used only as a parking space or area between the curb and private property.
- (c) This section shall be deemed to be supplemental to other sections regulating the use of public property, and in case of conflict, this section shall govern.
- (d) Adequate sight distance shall be provided for a passenger motor vehicle making a left or right turn exiting from a driveway. This determination shall be made by the City Engineer or his designee.
- (e) The specifications and guidelines set forth in this policy are to be applied to driveways providing access to commercial and multifamily developments. Single family and duplex residential driveways are excluded from this policy unless otherwise indicated.
- (f) As determined by the City Engineer, engineering judgment shall override the recommended dimensions set forth in this policy if warranted by specific traffic conditions.

#### (2) <u>Location of Driveway Access</u>

- (a) In making a determination as to the location of driveway access, the City Engineer shall consider:
  - (i) The characteristics of the proposed use;
  - (ii) The existing traffic flow conditions and the future traffic demand anticipated on the development and the adjacent street system;
  - (iii) The location of the property;
  - (iv) The size of the property;
  - (v) The orientation of structures on the site;
  - (vi) The number of driveways needed to accommodate anticipated traffic:
  - (vii) The number and location of driveways on existing adjacent and opposite properties;
  - (viii) The location and carrying capacity of intersections;
  - (ix) The proper geometric design of driveways;
  - (x) The spacing between opposite and adjacent driveways;
  - (xi) The internal circulation between driveways; and,
  - (xii) The speed of the adjacent roadway.
- (b) Driveway access to arterials shall not be permitted for parking or loading areas that require backing maneuvers in a public street right-of-way. Driveway access to

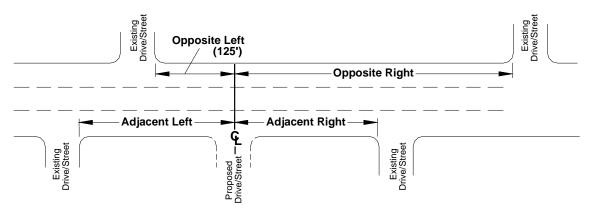
- collector streets for commercial or multifamily developments shall not be permitted for parking or loading areas that require backing maneuvers in a public street right-of-way.
- (c) One curb cut shall be allowed for access to single family and duplex residential tracts. More than one curb cut may be allowed upon approval by the City Engineer or his designee.
- (d) For corner tracts, access to residential tracts shall be taken from the lesser street. Access notes on plats shall supersede this requirement. The determination as to the lesser (or greater) street shall be based on AASHTO criteria for functional street classification.
- (e) No cuts through a left turn reservoir of a median shall be permitted in order to provide for left turn movements to driveway approaches.
- (f) Driveways in right turn lane transition areas shall not be permitted.
- (g) When a commercial or multifamily development abuts more than one public street, access to each abutting street may be allowed only if the following criteria are met:
  - (i) It is demonstrated that such access is required to adequately serve driveway volumes and will not be detrimental or unsafe to traffic operations on public streets. The City Engineer or his designee may require the submittal of a traffic study which demonstrates that such access is required.
  - (ii) The minimum requirements for corner clearance for commercial or multifamily driveways are met.

#### (3) Spacing of Driveway Access

- (a) Application of the driveway access location and design policy requires identification of the functional classification of the street on which access is requested and then applying the appropriate spacing requirements. The City of College Station Streets are classified as follows:
  - (i) Major Arterial;
  - (ii) Minor Arterial;
  - (iii) Collector; and,
  - (iv) Local Street.
- (b) Major arterial, minor arterial, and collector streets in the City of College Station are indicated on the Thoroughfare and Transportation Improvement Plan. The functional classification of any street in the City not indicated as an arterial or collector street on this plan shall be determined using the functional street classification defined by the American Association of State Highway and Transportation Officials (AASHTO) "green book", <u>A Policy on Geometric Design of</u> Highways and Streets.
- (c) Driveway access spacing shall be measured from the center line of the proposed driveway pavement to the nearest edge of the roadway of the adjacent or opposite driveway or street as indicated in Figure 1.

Figure 1

## **DRIVE SPACING**



Note: The above roadway is hypothetical and could represent an arterial collector or local street.

(d) Opposite Right Driveways shall be located no closer than the minimum requirements of Table 1.

Table 1

Opposite Right (Downstream) Drive Spacing

Minimum Spacing Street Classification	(Feet)	Desirable Spacing (Feet)
	<del>-</del>	
Major Arterial	300	400
Minor Arterial	225	350
Collector	175	300
Local Street	125	225

- (e) Additional opposite right spacing over and above that set forth in Table 2 may be required if it is determined by the City Engineer or his designee that there is insufficient left turn queue storage or weave maneuver area between the opposite right and proposed driveway. This determination shall be made under peak traffic conditions.
- (f) A minimum of one hundred twenty-five feet (125') shall be required for Opposite Left Drives for all street classifications.
- (g) If the centerline of an opposite drive is less than fifteen feet (15') from the centerline of the proposed drive, the drives form an intersection and the minimum spacing requirements shall apply for the closest drive.
- (h) Adjacent drives shall be located no closer than the minimum requirements of Table 2.

Table 2
Adjacent Drive Spacing

M Street Classificatio	inimum Spacing n	Desirable Spacing (Feet)	(Feet)
Major Arterial		275	350
Minor Arterial		230	300
Collector		185	235
Local Street		150	190

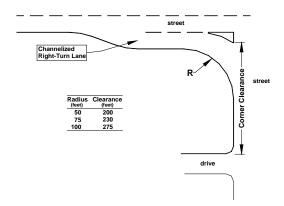
- (i) Freeway Frontage Road Access and Location Requirements:
- (ii) Driveways shall not be closer than two hundred fifty feet (250') from an exit ramp as measured from the striped gore of the exit ramp to the centerline of the drive.
- (iii) Driveways shall not be closer than one hundred feet (100') from an entrance ramp as measured from the striped gore of the entrance ramp to the centerline of the drive.
- (iv) Driveways shall be located in accordance with the 'Operations and Procedures Manual' published by the Texas Department of Transportation, Sections 4-601 and 4-602.
- (v) Permits shall be approved by the Resident Engineers Office of the Texas Department of Transportation, in conjunction with approval by the City Engineer.
- (vi) These guidelines apply to existing and planned interchanges.
- (vii) In addition to ramp spacing, driveways on frontage roads under the jurisdiction of the Texas Department of Transportation shall also meet the other requirements of this chapter as major arterial streets.

#### (4) Corner Clearance

- (a) No residential driveway approach shall be constructed within thirty feet (30') of the corner of a street intersection. This measurement shall be taken from the intersection of property lines at the corner.
- (b) At intersections of arterials with channelized right turn lanes with yield control, a corner clearance distance in accordance with those set forth in Figure 2 shall be required for the first downstream driveway when adjacent spacing requirements can't be met due to lack of frontage and all means to acquire shared access drives or cross access easements have been exhausted. This distance shall be measured from the channelized median to the nearest edge of the proposed driveway as indicated in Figure 2.

Figure 2

## DOWNSTREAM CORNER CLEARANCE



(c) When the requirements of Tables 1 and 2 cannot be met due to lack of frontage and all means to acquire shared access driveways or cross access easements have been exhausted, no commercial driveway approach may be located closer to the corner than 75 feet on collector streets, 100 feet on minor arterials and 120 feet for major arterials. This measurement shall be taken from the intersection of property lines at the corner. When these requirements can't be met due to lack of frontage, the driveway may be located such that the radius will begin at the farthest property line.

#### (5) Shared Access

- (a) A joint private access easement may be required between adjacent lots fronting on arterial and collector streets in order to minimize the total number of access points along those streets and to facilitate traffic flow between lots. The location and dimensions of said easement shall be determined by the City Engineer.
- (b) Private cross access easements may be required across any lot fronting on an arterial or collector street in order to minimize the number of access points and facilitate access between and across individual lots. The location and dimension of said easement shall be determined by the City Engineer.

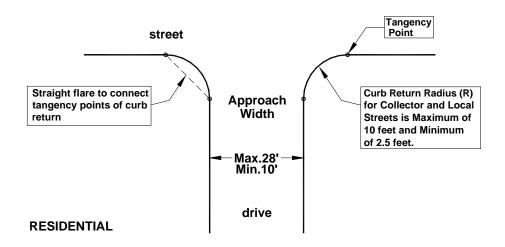
#### (6) Geometric Design of Driveway Access

- (a) All driveways shall meet the City of College Stations Standard Specifications for Street Construction and the construction standards as set forth in Section 9 of the Zoning Ordinance.
- (b) Curb cuts for driveways shall not be permitted in the curb return of an intersection.
- (c) The curb return radii for driveways intersecting at right angles with the roadway and without a deceleration lane shall be as follows:

- (i) Curb return radii for Residential (Single Family and Duplex) Driveway located on local or collector streets shall be between 2.5 feet and 10.0 feet as shown in Figure 3. Flare type residential driveways must also adhere to these dimensional criteria. Residential Driveways located on arterial streets must adhere to the specifications set forth in 6(c)(ii).
- (ii) Curb return radii for Commercial and Multi-family Driveways shall vary between fifteen feet (15') and thirty feet (30') as shown in Figure 4.
- (iii) Curb return radii for driveway types not included in (i) or (ii) above shall be determined by the City Engineer or his designee.
- (d) The maximum width of residential driveway approach, shown in Figure 3 and measured at the property line, shall not exceed twenty-eight feet (28') in width, while the minimum width shall not be less than ten feet (10') in width.

Figure 3

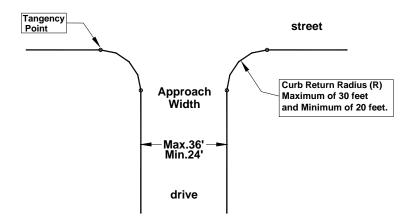
RESIDENTIAL DRIVEWAY



(e) The maximum width of commercial and multi-family driveway approach for two-way operation, shown in Figure 4, shall not exceed thirty-six feet (36') except that the City Engineer may issue permits for driveway approaches greater than thirty-six feet (36') in width on major streets to handle special traffic conditions. The minimum width of commercial and multifamily driveway approach for two-way operation shall not be less than twenty-four feet (24').

Figure 4

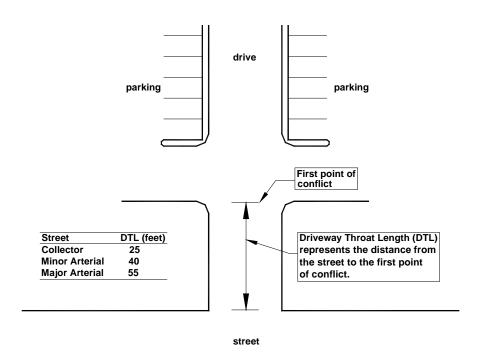
# COMMERCIAL AND MULTIFAMILY DRIVEWAY



- (f) The combination of two driveways for residential circular drives shall not exceed twenty-eight feet (28').
- (g) The angle of driveway approach shall be approximately ninety degrees (90°) for two (2) way drives and between forty-five degrees (45°) and ninety degrees (90°) degrees for one way drives.
- (h) A minimum driveway throat length of twenty-five feet (25') for collector streets, forty feet (40') for minor arterials, and fifty-five feet (55') for major arterials, as shown in Figure 5, may be required to allow for traffic entering the site to be stored on site in order to avoid a queue of traffic from the development from being out on the roadway causing delays to the through traffic stream. The driveway throat length shall be defined as the distance from the street to the first point of conflict in the driveway.
- (i) For the benefit of traffic safety and flow on collector and arterial streets, access points may be required to be designed to prohibit certain types of turning movements. Driveways not meeting the spacing guidelines in Tables 1 and 2 may be designed for limited access by the addition of a median to the driveway. Examples of the types of limited access driveways recommended are shown in the APPENDIX.

Figure 5

### DRIVEWAY THROAT LENGTH



- (j) For the benefit of traffic safety and flow on collector and arterial streets, tapered or channelized deceleration lanes for vehicles turning right into high volume or intersection type driveways may be required if warranted as per the criteria set forth in the graph for warrants for right turn lanes shown in the APPENDIX. Design of right-turn deceleration lanes shall be in accordance with the AASHTO Green Book on auxiliary lanes.
- (k) The spacing requirements for driveways not meeting the specifications in Tables 1 and 2 may be lessened or waived if tapered or channelized deceleration lanes are used.
- (I) Access points on arterial and collector streets may be required to be signalized in order to provide safe and efficient traffic flow. A development may be responsible for all or part of any right-of-way, design, hardware, and construction costs of a traffic signal if it is determined that the signal is necessitated by the traffic generated from the development. The procedures for signal installation and the percent of financial participation required of the development in the installation of the signal shall be in accordance with criteria set forth in the City's Traffic Signal Policy

#### (7) Street Structures

No driveway approach shall interfere with municipal facilities such as street light or traffic signal poles, signs, fire hydrants, cross walks, bus loading zones, utility poles, fire alarm supports, drainage structures, or other necessary street structures. The City Engineer is authorized to order and effect the removal or reconstruction of any driveway approach which is constructed in conflict with street structures. The cost of reconstructing or relocating such driveway approaches shall be at the expense of the abutting property owner.

#### (8) Permits

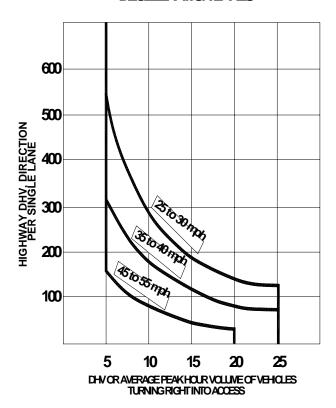
- (a) Any plans submitted for building approval which include or involve driveway approaches shall be referred to the City Engineer or his designee for approval before a building permit is issued.
- (b) A written driveway permit for a new development shall be not issued or required. Approval of driveway location and design for new properties and other developments on a building plan or site plan shall be considered the permit for driveway installation.
- (c) Any property owner desiring a new driveway approach or an improvement to an existing driveway at an existing residential or other property shall make application for a driveway permit, in writing, and designating the contractor who will do the work, to the City Engineer or the building supervisor, accompanied by a sketch or drawing showing clearly the driveway, parking area, or doorway to be connected and the location of the nearest existing driveways on the same and opposite sides of the roadway. The City Engineer will prescribe the construction procedure to be followed. (See the Building Code for contractor's bond and permit requirement, for work on public property.)
- (d) A permit or building/site plan approval as per the procedure of either 8(b) or 8(c) shall be required for the location of all driveways which provide for access to property. Driveway permits will also be required for any significant structure change, land use change, or property boundary change.
- (e) The driveway permit fee shall be set by resolution of the College Station City Council from time to time as deemed appropriate by said council and shall be of an amount to cover the cost of licensing and maintaining records.
- (f) All permits granted for the use of public property under the terms of this section shall be revocable at the will of the City Council.

#### (9) Appeals

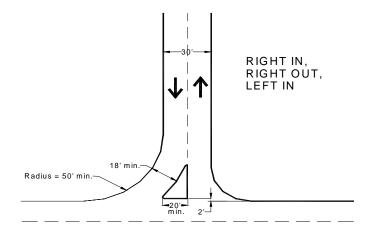
- (a) Appeals of the terms of this section or of decisions of the City Engineer shall be heard by the Project Review Committee as defined in Section 10, Ordinance 1628, the Zoning Ordinance for the City of College Station, Texas.
- (b) An appeal shall be made within thirty (30) days of the date of the notification of the decision by filing with the City Engineer a notice of appeal specifying the grounds thereof. The City Engineer shall forthwith transmit to the Project Review Committee all the papers constituting the record upon which the action appealed from was taken.
- (c) The Project Review Committee may authorize on appeal a variance to the Driveway Access Location and Design Ordinance when such variance will not be contrary to the public interest where, owing to unique and special conditions not normally found in like areas, a strict enforcement of the provisions of the ordinance by the City Engineer would result in an unnecessary hardship, and so that the spirit of this ordinance shall be observed and substantial justice done.

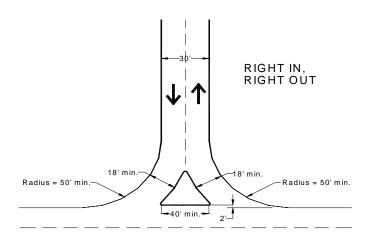
## **APPENDIX**

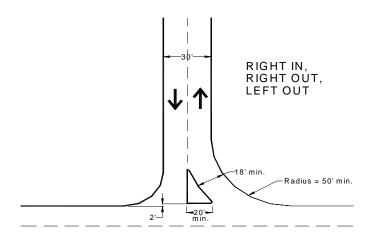
## WARRANT FOR RIGHT-TURN DECELERATION LANES



## LIMITED ACCESS HIGHWAYS







Page 32 of 72

#### I. PLANTING ON STREET RIGHT-OF-WAY

#### (1) Unpaved Areas

There will be no restrictions on planting and care of grass on unpaved areas, and no permit shall be required.

#### (2) Obstructions

It shall be unlawful to plant flowers, shrubs, or trees to obstruct the view of or access to fire hydrants, mail boxes, traffic control devices, police or fire call boxes.

#### (3) Permit Requirements

Other plantings will be permitted only if an application, together with a plan of planting, has been filed with the City Engineer and he in turn has issued a permit for such planting.

## J. USE OF RIGHTS-OF-WAY FOR PUBLIC CONVENIENCES AND AMENITIES AND FOR PRIVATE IMPROVEMENTS AND FACILITIES

#### (1) Definitions

- (a) "Awning" means an overhead structure made of canvas or fabric that is stretched over a wood or metal frame that extends beyond the exterior wall face and is removable. This definition does not include copy or logo.
- (b) "Bench" means a seating area that is placed for the convenience of pedestrians and is located in proximity to mass transit stops or businesses.
- (c) "Bicycle Rack" means a structure designed and used for the temporary storage of bicycles.
- (d) "City" means the City of College Station, Texas, a home-rule city.
- (e) "City Engineer" means the City Engineer of the City of College Station, Texas, or his designated representative.
- (f) "City Planner" means the City Planner of the City of College Station or his designated representative.
- (g) "Facade" means an architectural treatment on the face of a building along either the front, side, or rear of a building along the right-of-way frontage. This definition does not include copy.
- (h) "Landscaping, permanent" means canopy and non-canopy trees and shrubs as established in Section 11.2 of the City of College Station Zoning Ordinance.
- (i) "Landscaping, temporary" means perennial and flowering plants, dwarf shrubs and ground cover.
- (j) "Northgate Area" means the area bounded by Nagel Street, University Drive, Wellborn Road and the City of College Station City limits.
- (k) "Permit Holder or Permittee" as used in this ordinance means the person owning the underlying fee title to any real property upon which any public street within the City of College Station corporate limits is situated, or any association or other entity acting with a lease or other express written permission of the said fee title owner, to make use of the property, and who has been lawfully issued a Right-of-Way Improvements Permit by the City Engineer.
- (I) "Private Utilities" means utilities that have been extended to serve an entity but have not been accepted by the City of College Station.

- (m) "Public Street" means the entire width between the boundary lines of every way which is held by the City in fee or by easement or dedication when any part thereof is open to the use of the public for purposes of vehicular travel; provided the term public street shall not include any designated state or federal highway or road or any designated county road.
- (n) "Right-of-Way Improvements Permit" means a permit issued by the City Engineer to a person who qualifies for said permit under the terms of this ordinance authorizing the construction, installation and maintenance of improvements in right-of-way dedicated to the City of College Station, Texas.
- (o) "Roadway" means that portion of a public street which is improved, designed, or ordinarily used for vehicular travel, exclusive of the curb, berm, or shoulder. In the event that a public street includes two or more separate roadways, roadway means each such roadway separately.
- (p) "Setback Line" is as defined in Section 7 of the City of College Station Zoning Ordinance.
- (q) "Sidewalk" means that portion of a public street which is between the curb lines, or the lateral lines of a roadway, and the adjacent property lines and is improved and designed for or is ordinarily used for pedestrian travel.
- (r) "Sidewalk cafe" means an outdoor dining area located on a sidewalk and containing movable tables, chairs, planters, or related appurtenances.
- (s) "Structure" means any building or portion thereof, any obstruction that extends above natural ground grade. Excluded from this definition are wooden fences under eight feet (8') in overall height and masonry fences under three feet (3') in overall height.

#### (2) Scope

- (a) The City Council of the City of College Station acting by and through its official designated in paragraph (3) below may permit any person owning the underlying fee title to any real property upon which any public street within its corporate limits is situated, or any association or other entity acting with a lease or other express written permission of the said fee title owner, to make use of the property, notwithstanding its being part of a public street, for any one or more of the following improvements or facilities:
  - the establishment or maintenance or both of trees and decorative landscaping, including landscaping lighting, watering systems, and other appurtenances for the maintenance thereof;
  - (ii) the establishment or maintenance or both of sidewalk cafes; provided that a sidewalk cafe may not be enclosed by fixed walls and shall be open to the air, except that it may have a canopy; provided further that a sidewalk cafe must be abutting and contiguous to a restaurant in which food preparation, sanitation, and related services for the sidewalk cafe will be performed;
  - (iii) the establishment or maintenance or both of ornamental gates, columns, or other ornamental works of wood, iron, masonry, earth, or other materials denoting the entrance to a neighborhood or a platted and recorded subdivision; provided that such improvements may display the name of the subdivision or neighborhood but shall not contain any commercial advertising or other signage;
  - (iv) the establishment or maintenance or both of any supportive or decorative columns, arches, or other structural or decorative feature of any building which is fifty (50) or more years old at the time of filing an application for a permit

hereunder and of unusual architectural design, character, or significance or of historical value; or

(v) the establishment or maintenance or both of transit bus shelters, drinking fountains, benches, and other related amenities for the convenience of the public in the use of the public streets for pedestrian or vehicular transportation.

#### (3) Designation of City Official Authorized to Make Findings

The City Engineer is hereby designated by the City Council of the City of College Station, Texas, to make the findings required by law contained in paragraph (4) below prior to the issuance of a permit authorizing the establishment or maintenance of the improvements or facilities specified in paragraph (2) above.

#### (4) <u>Findings Required</u>

- (a) The establishment or maintenance of the improvements or facilities may not be implemented without a finding by the City Engineer that:
  - the improvement or facility will not be located on, extend onto, nor intrude upon any portion of the roadway;
  - (ii) the improvement or facility will not be located on, extend onto, nor intrude upon any portion of the sidewalk which is needed for pedestrian use:
  - (iii) the design and location of the improvement or facilities includes all reasonable planning to minimize potential harm, injury, or interference to the public in the use of the public street or sidewalk;
  - (iv) the improvement or facility will not create any hazardous condition or obstruction of vehicular or pedestrian travel upon the public street or sidewalk.

#### (b) Appeal

An applicant may appeal the decision of the City Engineer to the City Council within ten (10) days of the denial or issuance of the permit. Failure to appeal the action shall constitute a contractual acceptance of all conditions imposed, and a waiver of all complaints, defects, or potential invalidity, whether under state or federal law.

#### (5) Permit Required

(a) Use Without a Permit Prohibited

It shall be unlawful for any person to install or construct or cause to be installed or constructed, the amenities, improvements or facilities established in paragraph (2) above within the public streets or rights-of-way for within the corporate limits of the City of College Station without first obtaining a permit issued by the City Engineer authorizing such improvements or facilities.

#### (b) Prescribed Fee

The applicant or permit holder shall pay a fee for the right-of-way improvements permit that shall be the same as that charged in Chapter 14, Section of the City of College Station Code of Ordinances as amended from time to time.

(c) The permit shall be granted and allowed to remain in force on condition that:
(1) the applicant complies with the regulations established by the City Council and contained in paragraph (7) below for the protection of the public and utility companies and other persons or firms having the right to use the public street at the site of the applicant's proposed facility; (2) the site is properly maintained and (3) the applicant owns or is legally authorized by the fee simple owner of land to

use his land for the establishment and maintenance of the improvements authorized by permit.

## (d) Procedure for Obtaining a permit

## **Application Requirements:**

Any person desiring a permit authorizing the use of the public right-of-way for the installation of improvements or facilities within the City limits shall file an application with the Development Services Department on a form provided by that Department. The applicant must include the following information with the application form:

- A facility layout plan which includes the identity, and location of, and gives the dimensions of the right-of-way and the pavement edge or curb.
- The applicant must locate all existing traffic signs, meter boxes, light poles, manholes, overhead electrical lines, fire hydrants, valves, and electrical transformers contained within the right-of-way. The diagram must include dimensions of the right-of-way and locate the facilities from the right-of-way or back of the curb. The size and material of the facilities must be specified.
- All proposed signage must be located including its dimensions.
- An erosion control plan must be submitted with the application. If there are
  waterway alterations proposed, a drainage report and drainage plan must be
  submitted. If improvements are proposed that will alter the drainage patterns
  in the area, a drainage report and drainage plan will be required.
- Applicant must state whether there will be any waterway alterations with a drainage report (if applicable).
- Elevation drawings of signage that include the description of material.
- The location and type of plantings. All plantings must be detailed by using both the scientific as well as common names.
- Describe all work to be performed including but not limited to any electrical work, landscaping, irrigation systems, drainage work, waterway alterations, demolition, fencing (whether wood or masonry), signs, facades, awnings, cafe, canopy, benches, bike racks.
- The cost, where applicable, of the proposed relocation of any public facilities associated with the work.
- The total square footage of the site.
- Designate the party responsible for maintenance.
- An estimate of the future relocation of improvements.
- Where applicable, the applicant must submit the following plans: electrical, landscaping, plumbing, sealed structural details with anchoring, attachment and material description and/or any sealed irrigation plans.
- Identify all contractors and subcontractors including, but not limited to, the master electrician, irrigator, landscape architect or company, master plumber, design engineer and/or structural engineer.
- (e) Inspection of Facilities

Inspections of improvements shall be requested in accordance with the Standard Building Code as amended by the City of College Station Code of Ordinances.

(f) Maintenance of Facilities

All improvements shall be maintained by the person designated by the permit holder in the permit application. The improvements shall be maintained in a reasonably safe, secure and sanitary manner and the site shall be free of rubbish, weeds, filth or other offensive items.

All dead plantings shall be removed and replaced annually.

# (g) Construction of Facilities

Construction and installation of improvements must comply with all provisions of this ordinance as well as with the Streetscape Standards as adopted by the City Council of the City of College Station and established in the Streetscape Study issued in December 1992 and as amended from time to time.

### (6) Removal of Facilities

The City or any utility company or other person authorized by the City may remove all or any part of any facility for which a permit has been issued without liability therefore in the event of a lawful need for the site or for access thereto.

## (7) Regulations

The regulations that govern the issuance and continuing validity of this permit as follows:

- (a) Permittee must comply with the construction, maintenance, operation, and inspection requirements as detailed in paragraph (5) above.
- (b) Permittee must provide indemnity agreements by abutting fee owners, which agreements shall be covenants running with the title of the abutting land.
- (c) The applicant or permittee must provide traffic and safety studies at his own expense if, and whenever, required by the City Engineer.
- (d) This permit may be terminated at the discretion of the City.
- (e) All facilities or improvements shall comply with the clearance required from structures to utility lines as provided in the Standard Building Code or any other applicable code as adopted or as amended by the City of College Station Code of Ordinances.
- (f) All facilities or improvements must comply with all applicable City of College Station Codes and Ordinances in existence at the time of construction, unless specifically prohibited by said Codes or Ordinances.
- (g) All site work, demolition and construction must comply with the Standard Building Code as amended by the City of College Station Code of Ordinances.
- (h) All drainage and waterway work must comply with Chapter 13 of the City of College Station Code of Ordinances and associated Drainage Policy and Design Standards.

## (i) Permanent Signage

If an identification sign is requested, a minimum of two hundred fifty (250) landscaping points must be provided per sign. The sign may not exceed one hundred fifty (150) square feet per sign face as measured by an imaginary rectangle of vertical and horizontal lines that contain all extremities of the copy and logo. The sign height cannot exceed fifteen feet (15').

- All facilities and improvements must assure that there is adequate sight clearance for traffic and pedestrian safety.
- (k) The permittee shall provide a cash or surety bond in a sum sufficient to cover the costs of removal of its facilities or improvements by the City or any public utility

upon terms and in an amount which is approved by the City Engineer. The bond or surety shall be submitted to the City Engineer upon approval of the permit but prior to its issuance and prior to the commencement of construction of any proposed improvements.

- (I) The costs of any relocation of public or private utility facilities and improvements within the public streets which may be associated with the installation of any perimeters authorized facilities and improvements shall be borne by the permittee.
- (m) The City is prohibited from using any of its funds or employees for installation or maintenance with respect to a facility operated by permit except for inspection or removal purposes.
- (n) If irrigation and/or electrical lines are to be extended across a paved roadway, the applicant must pay a one-time fee in the amount of Thirty-five Dollars (\$35.00) per square yard of extension area. The extension area is equivalent to three (3) times the yard length to be installed under the roadway. The fee will be waived if the applicant installs sleeves under the pavement and places the irrigation and/or electrical in the sleeves.
- (o) Permittee must notify the City Engineer of any change of information contained in the application or permit.
- (p) Permittee or fee simple owner must notify the City Engineer of any change in fee simple ownership of the property, expiration or renewal of lease or revocation or renewal of license agreement by fee simple owner.
- (q) This permit is valid only to whom it is issued and may not be assigned or transferred.
- (r) Permittee may not modify the improvements authorized by permit.

## (8) Exemptions

The City may establish or maintain, with its funds, materials, equipment, and personnel, any of the improvements or facilities described and shall not be required to issue a permit for any such improvement or facility established or maintained by the City; provided, however, that the City shall remove its improvement or facility placed by it upon any public street if there is a lawful need for the site or for access to the site by a utility company.

This ordinance does not require a political subdivision of this state to obtain a permit to establish or maintain an improvement or facility authorized by other law.

# (9) Penalty for Violations

Violations of the ordinance shall be punished in accordance with Chapter 1, Section 5 of the Code of Ordinances as amended from time to time.

## (10) <u>Invalidity</u>

If any provision of this ordinance shall be held to be invalid, illegal or unenforceable by a court or other tribunal of competent jurisdiction, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

### (11) Conflict with Other Ordinances

That all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

### K. THOROUGHFARE AND TRANSPORTATION IMPROVEMENT PLAN

- (1) A Thoroughfare and Transportation Improvement Plan is hereby established for the City of College Station, Texas, and the area of extraterritorial jurisdiction of the City, as shown on the map designated, "City of College Station Thoroughfare and Transportation Improvement Plan" a copy of which is on file in the office of the City Planner.
- (2) Revision of the College Station Thoroughfare and Transportation Improvement Plan shall be made only by amendment to this section, accompanied by a revised map.

## L. DESIGN STANDARDS

All engineering design of streets, sidewalks, driveway approaches, drainage structures, and utilities within street right-of-way shall conform to City engineering standards.

## M. UNUSUAL CONDITIONS

The City Engineer is hereby authorized to grant, in writing, variances from the strict application of the principles of this subsection; provided that he first determines that the following conditions are present:

- (1) The exception or variance desired arises from peculiar conditions not ordinarily existing in similar districts in the City, or due to the nature of the business or operation on the abutting property.
- (2) That the exception or variance desired is not against the public interest, particularly safety, convenience, and general welfare.
- (3) That the granting of the permit for the exception or variance will not adversely affect the rights of adjacent property owners or tenants.
- (4) That the strict application of the terms of this section will not work unnecessary hardship on the property owner or tenant.

## N. <u>ADMINISTRATION AND ENFORCEMENT</u>

- (1) <u>City Engineer Designated as Enforcement Official;</u> Powers and Duties
  - (a) The City Engineer is designated as the administrative official of the City, to administer the provisions of this section.
  - (b) If the City Engineer shall find or if any person files with him a complaint in writing alleging that any of the provisions of this section are being violated, he shall immediately investigate and when necessary, give written notice to the person responsible to cease such violations, forthwith.
  - (c) Notice may be delivered in person or by certified mail to violator or to any person in charge of the property where the violation is occurring.

### (2) Penalty for Violation

Any person who violates or fails to comply with the requirements of this section shall be guilty of a misdemeanor and shall be liable to a fine pursuant to the General Penalty set out in Chapter 1, Section 5, of this Code of Ordinances. Nothing herein contained shall prevent the City from taking such other lawful action as may be necessary to prevent or remedy any violation."

## SECTION 4: ENCROACHMENTS UPON EASEMENTS

## A. <u>CITY COUNCIL TO GRANT LICENSE; FINDINGS TO BE MADE</u>

The City Council of the City of College Station, upon good cause shown, may grant a license to encroach into an easement when it is in the opinion of the City Council that undue hardship would result from requiring remedial steps to be taken to restore the easement to its former status. The City Council may consider the proposed use of the property involved, existing uses of land in the neighborhood, the utilities located in the easement, the purpose of the easement, and the probable effect of the encroachment upon the immediate preservation of the order, public health, safety, convenience and welfare of the community. In order for a license to be granted, the City Council must find all of the following:

- (1) That there are special circumstances or conditions affecting the property involved such that the strict enforcement of encroachment policies would deprive the applicant of the reasonable use of his property.
- (2) That the license is necessary for the preservation and enjoyment of the substantial property right of the applicant.
- (3) That the utilization of the easement area for the access to and the operation of utilities, including drainage, will not be impaired.
- (4) That the granting of the license will not be detrimental to the public health, safety, or welfare or injurious to another party in the area.

The findings, together with the specific facts upon which such findings are based, shall be incorporated into the minutes of the meeting at which the license is considered. Licenses will not be routinely granted. When a license is granted, it will be granted if order will be preserved and the public health, safety and welfare will not be affected. Pecuniary hardship of the applicant, standing alone, will not be deemed to constitute undue hardship.

# B. <u>SUBMITTAL OF INFORMATION</u>

The City Engineer shall specify the information that is required to be submitted with the application.

## C. APPLICATION FEE

An application for a license to encroach shall be accompanied by a filing fee in the amount of Two Hundred Fifty Dollars (\$250.00), which is non-refundable.

## D. LICENSE MAY BE CONTINGENT UPON REMEDIAL ACTION

If the City Council so requires, a license may be granted subject to the licensee's completion of all remedial action necessary to accommodate the encroachment so the City may utilize the area so encroached.

# SECTION 5: UNDERGROUND ELECTRIC UTILITY SERVICE

#### A. Electric Service Installation

- (1) All new electric utility service shall be installed underground in all building plots. All lateral electric and service lines supplying electric utility service shall be placed underground.
- (2) All upgraded electric utility service shall be installed underground in all building plots wherever such is sound and practical from an engineering standpoint as reasonably determined by the City.
- (3) Overhead feeder lines may be placed within dedicated easements in building plots when determined by the City to be necessary and appropriate, pursuant to the following criteria:
  - (a) Along the perimeter of the platted building plots.
  - (b) Adjacent to or within the right-of-way of thoroughfares identified on the current thoroughfare plan of the City of College Station and approved for the location of overhead utilities.
  - (c) Within alleys or other areas identified for the location of aerial utility service on the approved building plot plat.
- (4) Prior to the issuance of a certificate of occupancy for any structure on the building plot, the Builder shall dedicate easements upon forms approved by City for the installation of utilities, including electric. All liens and other ownership interests shall be subordinated to the easement use.
- (5) Where the electric service is placed underground, all street lighting and site lighting equipment shall be placed underground except for the poles on which the lights are to be affixed.
- (6) The Builder shall be responsible for furnishing and installing, and the expenses related thereto, of conduit for the installation of all on-site underground development feeder, lateral and service lines utilized to provide electric utility service to the building plot. The specifications for the conduit shall be approved by the Electrical Department prior to installation. The installation of the conduit shall be inspected and approved by the Electrical Department at the time of installation.
- (7) Where electric service is placed underground, all auxiliary equipment for such service, including but not limited to transformers, junction enclosures and switching devices, shall be pad-mounted on grade or shall be placed underground.
- (8) Temporary utility service may be provided via overhead line extension.

## B. <u>Definitions</u>

For the purpose of this section, certain words as used herein are defined as follows:

- "Builder" means any person or persons, firm or corporation who applies for or is issued a permit by the Building Official to erect, construct, enlarge, install, alter, repair, move, improve, remove, convert or demolish any building, structure, electrical, gas, mechanical, plumbing or fire protection system located within the municipal corporation, City of College Station, Texas.
- "Building Plot" shall mean all of the land within a project, whether one or more lots, developed according to a common plan or design for similar or compatible uses, which singularly or in phases is treated as such for site plan review purposes. The determination of the boundaries of a building plot shall be made as the first step in the site plan or project review, unless such determination has previously been made at the

- time of plat approval. For development not subject to site plan review, the building plot or premises shall be the exterior boundary of any included lots, in the event that the structure is built upon more than one lot.
- "Feeder Line" shall mean any line, wire, or cable and appurtenances which distributes, transmits, or delivers an electric utility service from a source to a general area or to multiple developments, and not to a specific end user.
- (4) "Lateral Line" shall mean any line, wire, or cable and appurtenances used to distribute, transmit, or deliver electric utility service from a feeder line to two (2) or more sites or end users of the electric utility service within a specific development.
- "Lot" as used herein is the physical and undivided tract or parcel of land as shown on a duly recorded plat.
- (6) "Service Line" shall mean any line, wire, or cable and appurtenances used to distribute, transmit, or deliver an electric utility service from a source of supply, feeder line, or lateral line directly to an end user.
- (7) "Plot Plan" is a plan showing the use of land, including locations of buildings, drives, side-walks, parking areas, drainage facilities and other facilities to be constructed, and anything else in accordance with Sections 10 and 11 of the Zoning Ordinances of the City of College Station."
- (8) "Upgraded Electric Utility Service" as used herein means any increase in electric service capacity or any relocation of the electric service entrance.

(Ordinance No. 2530 of November 1, 2001)

## **APPENDIX 1**

### INTERNATIONAL BUILDING CODE ADOPTED

A booklet entitled 'International Building Code, 2003 Edition, as amended and as hereafter may be amended, at least one (1) copy of which is on file in the office of the Building Official of the City of College Station, Texas, is hereby adopted and designated as the Building Code of the City of College Station,

Texas

#### AMENDMENTS TO INTERNATIONAL BUILDING CODE

- A. The above referenced International Building Code is hereby amended as follows:
  - 1. Section 101.2 (Scope) is amended by deleting exception number 2.
  - 2. Section 101.4.1 (Electrical) is amended by deleting the reference to the "ICC Electrical Code" and replacing it with the "National Electrical Code, as adopted and amended by the City of College Station".
  - 3. Section 105 (Permits) is amended by adding Section 105.1.3 to read as follows:

## "105.1.3 Registration of Contractors.

It shall be the duty of every individual who makes contracts to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, and every individual making such contracts and subletting the same or any part thereof, to first register with the Building Official, giving full name, residence, name and place of business, and in case of removal from one place to another to have made corresponding change to the Building Official.

**Exception:** Homeowner permits as provided for in Section R105.2.4, International Residential Code.

<u>Homebuilders and Remodelers</u> - Homebuilders and remodelers performing work regulated by the Texas Residential Construction Commission shall be registered as required by State law before a building permit is issued by the City.

<u>Plumbing Contractors</u> - Plumbing contractors shall be licensed as prescribed by the State of Texas and shall register their license with the City of College Station before a plumbing permit is issued by the City.

<u>Air Conditioning, Refrigeration and Heating Contractors</u> - Air Conditioning, Refrigeration and Heating Contractors shall be licensed by the State of Texas and shall register their license with the City of College Station before a mechanical permit is issued by the City.

<u>Licensed Irrigators</u> - Irrigation Contractors shall be licensed Irrigators by the State of Texas shall register their license with the City of College Station before a lawn irrigation permit is issued by the City.

<u>Electrical Contractors</u> - Electrical Contractors shall be licensed by the State shall register their license with the City of College Station before an electrical permit is issued by the City.

<u>Electrical Sign Contractors</u> – Electrical Sign Contractors shall be licensed by the State shall register their license with the City of College Station before a permit is issued.

Before any license is registered with the City, the applicant shall have adequate insurance coverage for general liability as provided for by State law for the respective trade."

4. Section 105.2 (Work exempt from permit) is amended by adding the following under "Electrical":

"Replacing Fuses: No permit shall be required for replacing fuses of like rating.

**Replacing Flush or Snap Switches:** No permit shall be required for replacing flush or snap switches, receptacles, lamp sockets, the installation of lamps, or minor repairs on permanently connected electrical appliances.

**Conveying Signals:** No permit shall be required for the installation, maintenance or alteration of wiring, poles and down guys, apparatus, devices, appliances or equipment for telegraph, telephone, signal service or central station protective service used in conveying signals or intelligence, except where electrical work is done on the primary side of the source of power at a voltage over 50 volts and of more than 500 watts.

Wiring by Electric Public Service Company: No permit shall be required for the installation, maintenance or alteration of electric wiring, apparatus devices, appliances or equipment to be installed by an electric public service company for the use of such company in the generation, transmission, distribution, sale or utilization of electrical energy. However, an electric public service company shall not do any wiring on a customer's distribution system, including metering equipment wherever located and transformer vaults in which customer's transformers are located, nor shall any of its employees do any work other than done for said company as hereinbefore provided for by virtue of this exception.

**Temporary Wiring:** No permit shall be required for the installation of temporary wiring, apparatus, devices, appliances or equipment used by a recognized electrical training school or college.

Railway Crossing Signal Devices: No permit shall be required for the installation and maintenance of railway crossing signal devices, when such is performed by due authority of the railroad and in accordance with the standards of the American Railroad Association, and in collaboration with and approval of the Department of Public Services of the City of College Station."

5. Section 106.1 (Submittal documents) is amended to include the following at the end of the section and before the exception:

"The design professional shall be an architect or engineer legally registered under the laws of Texas and shall affix his official seal to the construction documents for the following:

- All group A, E and I occupancies.
- Building and structures three or more stories in height
- 3. Buildings and structures 5,000 square feet or more in total area

Exception: Group R-3 buildings, regardless of size"

6. Section 108.6 (Refunds) is amended by deleting the existing text in its entirety and replacing it with the following:

"The City Manager or his designee is authorized to establish a refund policy."

- Section 109.3.5 (Lath and gypsum board inspection) is amended by deleting the section in its entirety.
- 8. Section 110.2 (Certificate issued) is amended by deleting items number 4, 5, 7, 10, and
- 9. Section 112 (Board of Appeals) is amended by deleting the section in its entirety.

- 10. Section 115.1 (Conditions) is amended by deleting the sentence, "Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section." and replacing it with the following: "Unsafe structures shall be taken down, removed or made safe as provided for in Section 1 (C), Chapter 3, Code of Ordinances."
- Section 303.1 (Assembly Group A) is amended by adding "tutorial services" under A-3.
- 12. Section 501.2 (premises identification) is amended by deleting the existing text in its entirety and replacing it with the following:

#### "501.2 Premises identification.

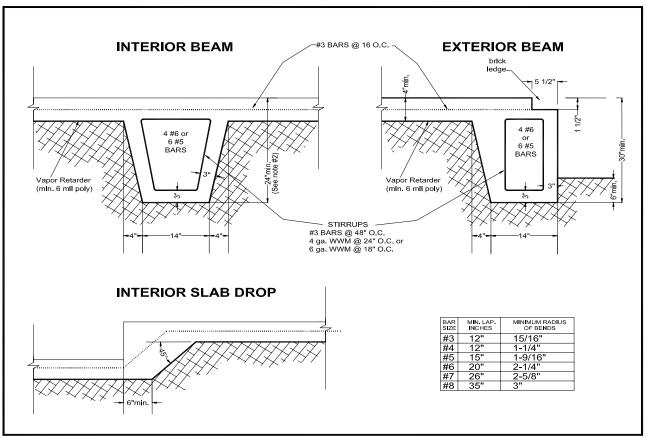
An official address, assigned by the building Official or his designee, shall be provided and placed pursuant to this section in such a position as to be clearly visible from the public street or roadway fronting the property. Addresses placed pursuant to this section shall be a minimum four (4) inches in height and stroke of minimum one-half (1/2) inch, composed of a durable material and of a color that provides a contrast to the background itself. The official address shall be placed a minimum of thirty-six (36) inches and a maximum of thirty (30) feet in height measured from the ground level. Buildings or structures located more than fifty (50) feet from the street curb shall have an official address at least five (5) inches in height. Durable materials used for the official address shall include, but not be limited to, wood, plastic, metal, weather resistant paint, weather resistant vinyl, or weather resistant material designed for outside use on a glass surface. For single family residences, the requirement of this section may be met by providing a minimum of two (2) inch high numbers on both sides of a U. S. mailbox located near the curb in front of the house, or a freestanding structure with numbers at least four (4) inches in height.

A building complex composed of multiple structures or dwellings shall have an official suite or unit number assigned to each building, suite or tenant as well as a street address number. If there is sufficient street frontage, each building, suite or tenant may also be assigned an official street address number. The official street address number of each structure must be prominently posted on the building so that it is visible from the nearest public street or designated fire lane. Each number designated by the Building Official, or his designee, for each individual suite or unit must be conspicuously posted on each suite or unit. Commercial buildings with side or rear access in addition to the main entrance, shall also display the business name and official address on each side or rear door with characters at least two (2) inches in height. Residential structures which provide for rear vehicular access from a dedicated public alley, street or designated fire lane shall conspicuously post an official address at least two (2) inches in height so that it is visible from the public alley, street or designated fire lane.

The owner or manager of a building complex, which contains an enclosed shopping mall, shall submit to the Fire Official four (4) copies of diagrams acceptable to the Fire Marshal of the entire complex, indicating the location and number of each business. When a change in a business name or location is made, the owner or manager shall so advise the Fire Marshal in writing of the change."

- 13. Table 803.5 (Interior Wall And Ceiling Finish Rating By Occupancy) is amended by deleting the existing text in footnote "d" and replacing it with the following:
  - "Class A interior finish material shall be required in all areas of all assembly occupancies, whether sprinklered or not, except as provided for in notes e and f below."
- 14. Section 903.1 (General) is amended by adding the following text at the end of said section:
  - "For the purposes of this section, the term 'fire area' shall be replaced with 'building area'."

- Section 903.2 (Where required) is amended by adding the following text at the end of said section:
  - "In addition to the requirements of this section, an automatic sprinkler system shall be provided throughout all new buildings and structures as follows:
  - 1. Where the total building area exceeds 12,000 square feet in area.
  - 2. Where the height exceeds two stories, regardless of area."
- 16. Section 903.2.2 (Group E) is amended by deleting the exception and replacing "20,000 square feet" with "12,000 square feet".
- 17. Section 903.2.3 (Group F-1) is amended by deleting the text in item "2" and "3".
- 18. Section 903.2.6 (Group M) is amended by replacing "three stories above grade" with "two stories above grade" in item "2" and by replacing "24,000 square feet" with "12,000 square feet" in item "3".
- 19. Section 903.2.7 (Group R) is amended by deleting the section in its entirety.
- Section 903.2.8 (Group S-1) is amended by replacing "three stories above grade" with "two stories above grade" in item "2" and by replacing "24,000 square feet" with "12,000 square feet" in item "3".
- 21. Section 903.3.7 (Fire department connections) is amended by deleting "building official" and replacing it with "fire official".
- 22. Section 907.9.1.2 (Employee work areas) is amended by deleting the existing text in its entirety and replacing it with the following:
  - "Where a fire alarm and detection system is required, employee work areas shall be provided with devices that provide audible and visible alarm notification."
- 23. Section 1004.2 (Increased occupant load) is amended by deleting the section in its entirety.
- 24. Section 1004.3 (Posting of occupant load) is amended by adding the following text to the end of said section:
  - "For the purposes of this section, the occupant load shall be the number of occupants computed at the rate of one occupant per unit of area as prescribed in Table 1004.1.2."
- Section 1612.3 (Establishment of flood hazard areas) is amended by inserting "Brazos County" for name of jurisdiction and "July 2, 1992" for the date of issuance.
- 26. Section 1911 (Minimum slab provisions) is amended by adding Section 1911.2 to read as follows:
  - **"1911.2 Minimum foundation standard.** All slabs-on-grade with turned-down footings shall comply with the Minimum Foundation Standard as shown in figure 1."
- 27. Appendix D (Fire Districts) is hereby adopted.



## **GENERAL NOTES:**

- Exterior beam shall extend a minimum of 6 inches into undisturbed soil or fill which is compacted to 95 % Standard Proctor (ASTM D 698) within ( ±) 2% of optimum moisture content. All fill material shall have a Plasiticity Index (P.I.) between 5 and 18.
- 2. Interior beams that exceed 60 ft. in length must be a minimum of 30" deep.
- Maximum beam spacing shall be 15 feet and shall be continuous over the length or width of the foundation.
- 4. Steel to be set to clear bare earth minimum 3", wood or steel form 1 -1/2".
- 5. Minimum concrete specified compression strength shall be 3000 psi @ 28 days.
- Masonry fireplace footings shall be a minimum of 30" deep with 2 mats of #5's @ 12" O.C. both ways.
- 7. These minimum standards shall apply to all foundations.

Exceptions:

- A. Foundations for temporary buildings and permanent buildings not exceeding one story in height and 400' square feet in area.
- B. Foundations designed by an Architect registered in the State of Texas or a civil/structural Engineer registered in the State of Texas and approved for use by the Building Official.
- All foundations designed by an Architect or Engineer shall be installed as designed. Revisions and exceptions must be submitted in writing by the Architect or Engineer and approved by the Building Official.
- Reinforcing steel shall be grade 60 (grade 40 allowed for stirrups only).
   All deformations shall meet ASTM A615.

Revision	Description	Date

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BUILDING DIVISION CITY OF COLLEGE STATION			
MINIMUM FOUNDATION STANDARDS			
STANDARDS			
A A	PREPARED	12/04	SHEET OF 1

#### AMENDMENTS TO INTERNATIONAL RESIDENTIAL CODE

- B. The International Residential Code adopted by reference in Section 101.2, 2003 International Building Code, is hereby amended as follows:
  - Section R101.2 (Scope) is amended by deleting the exception.
  - Section R102.4 (Referenced codes and standards) is amended by adding the following to said section:
    - "Any reference to the ICC Electrical Code shall mean the National Electrical Code, as adopted and amended by the City of College Station."
  - 3. Section R105.2 (Work exempt from permit) is amended by deleting number one under "Building" and replacing it with the following:
    - "1. One detached accessory structure per residential lot, provided the floor area does not exceed 120 square feet and the structure complies with all of the following:
    - a. The accessory structure is not located in a surface drainage easement.
    - b. The accessory structure is not permanently affixed to the ground.
    - c. The accessory structure is located in the rear yard.
    - d. The accessory structure is not provided with utilities (sewer, water, gas or electricity)."
  - 4. Section R105.2 is amended by adding the following under "Building".
    - "10. Uncovered decks, patios or other raised floor surfaces located not more than 30 inches above adjacent grade."
  - 5. Section R105.2.4 is added to read as follows:
    - "R105.2.4 Homeowner permit. A property owner may obtain a building permit to perform work on a building owned and occupied by him as his homestead without registering with the City as a contractor. However, work involving the electrical, plumbing and mechanical systems must be permitted and installed by licensed contractors."
  - 6. Section R106.3.1 (Approval of construction documents) is amended by deleting the last sentence in said section.
  - 7. Section R108.3 (Building permit valuations) is amended by added the following to said section:
    - "If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Final permit valuation shall be set by the building official."
  - 8. Section R108.5 (Refunds) is amended by deleting the text in said section and replacing it with the following:
    - "The City Manager or his designee is authorized to establish a refund policy."
  - 9. Section R112 (Board of Appeals) is amended by deleting the section in its entirety.
  - Section R202 (Definitions) is amended by deleting the definition of "Townhouse" in its entirety and replacing it with the following:

- "Townhouse. A single family dwelling unit constructed in a group of attached units separated by property lines in which each unit extends from foundation to roof and with open space on at least two sides."
- 11. Appendix G (Swimming Pools, spas and hot tubs) is hereby adopted.
- 12. Section R302.1 (Exterior walls) is amended by deleting the existing text and replacing it with the following:

**R302.1 Exterior walls**. Exterior walls with a fire separation distance less than 3 feet shall have not less than a one hour fire-resistive rating with exposure from both sides. The above provisions shall not apply to walls which are perpendicular to the line used to determine the fire separation distance.

**Exception:** Tool and storage sheds, playhouses and similar structures exempted from permits by Section R105.2 are not required to provide wall protection based on location on the lot.

**Projections.** Projections may extend beyond the exterior wall on zero lot line construction. Projections shall be constructed from non-combustible material on the underside and may project a maximum of 18 inches, excluding non-combustible gutters, over the adjacent property line.

**Exception:** Tool and storage sheds, playhouses and similar structures exempted from permits by Section R 105.2 shall not extend over the lot line in zero lot line construction.

**Combustibles in maintenance easement.** The construction of any structure utilizing combustible material or the storage of combustible material is prohibited within the maintenance easement. The term "maintenance easement" is defined in Article 11 of the UDO.

**Exception:** A wood fence may be installed in the maintenance easement.

- 13. Section R309.2 (Separation required) is amended by adding the following exception:
  - "Exception: One unprotected attic access opening, not exceeding 30 inches by 54 inches in size, is allowed per garage."
- 14. Section R310.1.1 (Minimum opening area) is amended by deleting the section in its entirety.
- 15. Section R311.5.6.2 (Continuity) is amended by deleting the following text in said section:
  - "Handrail ends shall be returned or shall terminate in newel posts or safety terminals."
- 16. Section R321.1 (Premises identification) is amended by deleting the existing text in its entirety and replacing it with the following:
  - "Premises identification shall comply with Section 501.2, International Building Code, as amended."
- 17. Section 323.2.1 (Elevation requirements) is amended by deleting the existing text, save the exception, and replacing it with the following:
  - "1. Buildings and structures shall have the lowest floors elevated in accordance with the City of College Station Code of Ordinances, Chapter 13 (Flood Hazard Protection) and the City of College Station Drainage Policy and Design Standards (refer to Section II.D).
  - 2. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated above the highest adjacent grade as the depth number specified in feet on the Flood Insurance Rate Maps, or at least 2 feet if a depth number is not specified, plus the additional footage requirements in the City of College Station Code of Ordinances, Chapter 13 (Flood Hazard Protection) and the City of College Station Drainage Policy and Design Standards (refer to Section II.D).

- Basement floors that are below grade on all sides shall be elevated in accordance with the City of College Station Code of Ordinances, Chapter 13 (Flood Hazard Protection) and the City of College Station Drainage Policy and Design Standards (refer to Section II.D).
- 18. Section R403.1.3.2 (Slabs-on-ground with turned-down footings) is amended by deleting the existing text and replacing it with the following to read as follows:
  - "All slabs-on-ground with turned-down footings shall comply with the minimum foundation standard in Section 1911.2, International Building Code."
- 19. Section N1102 (Building envelope) is amended by adding N1102.5 to read as follows:
  - "N1102.5 Windows. Single pane windows shall not be installed in the building envelope."
- 20. Section N1102.1.10 (Air leakage) is amended by adding the following at the end of said section:
  - "All header and top plate penetrations in attached garages shall also be sealed to limit uncontrolled air movement."
- 21. Section N1102.1.11 (Recessed lighting fixtures) is amended by deleting paragraphs number 2 and 3.
- 22. Section N1103 (Mechanical systems) is amended by adding N1103.6 to read as follows:
  - "N1103.6 Electric resistance heat. Electric resistance heat shall not be used as the primary source of heat required by this code."

    Exception: Electric resistance heat may be used for dwelling units or additions not exceeding 500 square feet in area."
- 23. \*Section M1305.1.3 (Appliances in attics) is amended by adding exception number 2 to read as follows:
  - "Exception: Where the passageway is not less than 6 feet high for its entire length, the passageway shall be not greater than 50 feet in length."
- 24. Section M1305.1.4.1 (Ground clearance) is amended by replacing "6 inches (152 mm)" with "3 inches".
- 25. Section M1411.3 (Condensate disposal) is amended by deleting the existing text and replacing with the following:
  - "Condensate from all cooling coils or evaporators shall be conveyed from the drain pan outlet to the sanitary sewer system, if available. The condensate drain shall be connected to the sanitary sewer system in a manner approved by the code official. **Exception**: When a sanitary sewer system is not available on the premises, or connection thereto is not practical, the condensate shall discharge into an approved French drain."
- 26. Section M1703 (All air from outdoors) is amended by adding M1703.6 to read as follows:
  - "M1703.6 Single opening or duct. For an appliance with a minimum clearance of 1 inch on the sides and 6 inches on the front, outside combustion air may be supplied through one opening or duct. The air opening and duct shall have a free area of not less than 1 square inch per 3,000 Btu/h of the total input rating of all appliances in the enclosure. The opening or duct shall be within 12 inches of the top of the enclosure. The opening is permitted to connect to spaces directly communicating with the outdoors, such as ventilated attic spaces. When a duct is used to provide combustion air from an attic space, it shall extend at least 6 inches above the ceiling joists and ceiling insulation."
- 27. Section G2408.3 (Private garages) is amended by deleting the section in its entirety.

- 28. Section G2414.5.2 (Copper tubing) is amended by deleting said section in its entirety.
- 29. Section G2417.1.2 (Repairs and additions) is amended by deleting the existing text in its entirety and replacing it with the following:

"In the event repairs or additions are made after the pressure test, the affected piping shall be tested. If approved by the code official, minor repairs and additions are not required to be pressure tested provided the work is inspected and connections are tested with a noncorrosive leak-detecting fluid or other leak detecting methods."

30. Section G2417.4 (Test pressure measurement) is amended by deleting the existing text in its entirety and replacing it with the following:

"Test pressure measurement shall comply with Section 406.4, 2003 International Fuel Gas Code, as amended."

31. Section G2417.4.1 (Test pressure) is amended by deleting the existing text in its entirety and replacing it with the following:

"Test pressure shall comply with Section 406.4.1, 2003 International Fuel Gas Code, as amended."

- 32. Section G2420.5 (Equipment shutoff valve) is amended by replacing the words "provided with ready access" with the word "accessible" in the exception.
- 33. Section P2503.7 (Inspection and testing of backflow prevention devices) is amended by deleting the section in its entirety and replacing with the following:

"Inspection and testing of backflow prevention devices shall comply with Section 312.9, 2003 International Plumbing Code, as amended."

34. Section P2902.4.3 (Lawn irrigation systems) is amended by deleting the first sentence in said section and replacing it with the following:

"The potable water supply to lawn irrigation systems shall be protected against backflow by an atmospheric-type vacuum breaker, a pressure type vacuum breaker, a reduced pressure principle backflow preventer or a double check valve assembly."

35. Table P2904.4.1 (Water service pipe) is amended by deleting the following materials:

"Acrylonitrile butadiene styrene (ABS) plastic pipe Asbestos-cement pipe Polybutylene (PB) plastic pipe and tubing Polyethylene (PE) plastic pipe Polyethylene (PE) plastic tubing Polyethylene/aluminum/polyethylene (PE-AL-PE) pipe"

- 36. Table P2904.5 (Water distribution pipe) is amended by deleting the following materials: "Polybutylene (PB) plastic pipe and tubing Polyethylene/aluminum/polyethylene (PE-AL-PE) composite pipe"
- 37. Section P2904.5.1 (Under concrete slabs) is amended by deleting the existing text and replacing it with the following:

"Inaccessible water distribution piping under slabs shall be copper (minimum type K), cross-linked polyethylene (PEX) tubing, or cross-linked polyethylene/aluminum/cross-linked polyethylene (PEX-AL-PEX) pipe, all installed without joints or connections. Materials subject to corrosion shall be protected when exposed to concrete or corrosive soils."

38. Section P3002.2. (Building sewer) is amended by adding P3002.2.1 to read as follows:

"P3002.2.1 Depth of building sewer. Building sewer pipe shall be installed with a minimum of twelve (12) inches of cover. Where conditions prohibit the required amount of

- cover, cast iron pipe with approved joints may be used unless other means of protecting the pipe is provided as approved by the Building Official."
- 39. Section P3103.1 (Roof extension) is amended by inserting "six (6)" in the designated blanks.
- 40. Section E3301.1 (applicability) is amended by deleting the section in its entirety and replacing with the following:
  - "Electrical installations shall comply with the *National Electrical Code*, as adopted and amended by the City of College Station."

## AMENDMENTS TO INTERNATIONAL FUEL GAS CODE

- C. The International Fuel Gas Code adopted by reference in Section 101.4.2, 2003 International Building Code is hereby amended as follows:
  - Section 102.8 (Referenced codes and standards) is amended by adding the following exception:
    - **"Exception:** Any reference to the *ICC Electrical Code* shall mean the *National Electrical Code*, as adopted and amended by the City of College Station."
  - 2. Section 106.3 (Application for permit) is amended by deleting the text in said section and replacing it with the following:
    - "The code official may require a permit application for work regulated by this code."
  - 3. Section 106.5.2 (Fee schedule) is amended by deleting the section in its entirety.
  - 4. Section 106.5.3 (Fee refunds) is amended by deleting the text in said section and replacing it with the following:
    - "The City Manager or his designee is authorized to establish a refund policy."
  - 5. Section 109 (Means of Appeal) is amended by deleting the section in its entirety.
  - 6. Section 305.5 (Private garages) is amended by deleting the section in its entirety.
  - Section 305.7 (Clearance above grade) is amended by replacing "6 inches (152 mm)" with "3 inches".
  - 8. Section 403.4.3 (Copper and brass) is amended by deleting the section in its entirety.
  - 9. Section 403.5.2 (Copper and brass tubing) is amended by deleting the section in its entirety.
  - 10. Section 406.1.2 (Repairs and additions) is amended by deleting the existing text in its entirety and replacing it with the following:
    - "In the event repairs or additions are made after the pressure test, the affected piping shall be tested. If approved by the code official, minor repairs and additions are not required to be pressure tested provided the work is inspected and connections are tested with a noncorrosive leak-detecting fluid or other leak detecting methods."
  - Section 406.4 (Test pressure measurement) is amended by adding the following to the end of said section:
    - 'For gas systems with a working pressure up to and including five (5) psi., a diaphragm gauge utilizing a dial with a minimum diameter of three and one-half inches (3 ½"), a set hand, 2/10 pound incrementation and a pressure range not more than twenty (20) psi shall be acceptable. A mechanical spring gauge is only acceptable for use on gas systems requiring a pressure test of more than 20 psig.'
  - 12. Section 406.4.1 (Test pressure) is amended by deleting the existing text in it entirety and replacing it with the following:
    - 'The test pressure to be used shall be no less than twice the proposed maximum working pressure, but no less than five (5) psig, irrespective of design pressure.'

13.	Section 406.4.2 (Test duration) is amended by deleting the existing text in its entirety and replacing it with the following:
	"Gas piping systems shall withstand the required pressure test for a period of not less than ten (10) minutes without showing any drop in pressure."

#### AMENDMENTS TO INTERNATIONAL MECHANICAL CODE

- D. The International Mechanical Code adopted by reference in Section 101.4.3, 2003 International Building Code is hereby amended as follows:
  - 1. Section 101.2 (Scope) is amended by deleting exception number two.
  - Section 102.8 (Referenced codes and standards) is amended by adding the following exception:
    - **"Exception:** Any reference to the *ICC Electrical Code* shall mean the *National Electrical Code*, as adopted and amended by the City of College Station."
  - 3. Section 106.3 (Application for permit) is amended by deleting the text in said section and replacing it with the following:
    - "The code official may require a permit application for work regulated by this code."
  - 4. Section 106.5.2 (Fee schedule) is amended by deleting the section in its entirety.
  - 5. Section 106.5.3 (Fee refunds) is amended by deleting the text in said section and replacing it with the following:
    - "The City Manager or his designee is authorized to establish a refund policy."
  - 6. Section 108.5 (Stop work orders) is amended by inserting the following amounts in the blanks provided at the end of said section:
    - "twenty-five (\$25.00)" in the first blank and "two-thousand (\$2,000.00)" in the second blank
  - 7. Section 109 (Means of Appeal) is amended by deleting the section in its entirety.
  - 8. Section 304.6 (Private garages) is amended by deleting the section in its entirety.
  - Section 304.9 (Clearances from grade) is amended by replacing "6 inches (152 mm)" with "3 inches".
  - Section 507.16.1 (Capture and containment test) is amended by deleting the section in its entirety.

#### AMENDMENTS TO INTERNATIONAL PLUMBING CODE

- E. The International Plumbing Code adopted by reference in Section 101.4.4, 2003 International Building Code is hereby amended as follows:
  - 1. Section 101.2 (Scope) is amended by deleting exception number two.
  - Section 102.8 (Referenced codes and standards) is amended by adding the following exception:
    - **"Exception:** Any reference to the *ICC Electrical Code* shall mean the *National Electrical Code*, as adopted and amended by the City of College Station."
  - 3. Section 106.3 (Application for permit) is amended by deleting the text in said section and replacing it with the following:
    - "The code official may require a permit application for work regulated by this code."
  - 4. Section 106.6.2 (Fee schedule) is amended by deleting the section in its entirety.
  - 5. Section 106.6.3 (Fee refunds) is amended by deleting the text in said section and replacing it with the following:
    - "The City Manager or his designee is authorized to establish a refund policy."
  - 6. Section 108.5 (Stop work Orders) is amended by inserting the following amounts in the blanks provided at the end of said section:
    - "twenty-five (\$25.00)" in the first blank and "two-thousand (\$2,000.00)" in the second blank
  - 7. Section 109 (Means of Appeal) is amended by deleting the section in its entirety.
  - 8. Section 305.6.1 (Sewer depth) is amended by inserting "twelve (12)" in both blanks and adding the following sentence to the end of said section.
    - "Where conditions prohibit the required amount of cover, cast iron pipe with approved joints may be used unless other means of protecting the pipe is provided as approved by the Building Official."
  - 9. Section 312.1 (Required tests) is amended by deleting the following text from said section: ", for piping systems other than plastic, by"
  - Section 312.2 (Drainage and vent water test) is amended by deleting said section in its entirety and replacing with the following:
    - **"312.2 Drainage water test.** A water test shall be applied to the drainage system either in its entirety or in sections. If applied to the entire system, all openings in the piping shall be tightly closed, except the highest opening, and the system shall be filled with water to the point of overflow. If the system is tested in sections, each opening shall be tightly plugged except the highest opening of the section under test, and each section shall be tested with not less than a 10-foot head of water. This pressure shall be held for at least 15 minutes. The drainage system shall then be tight at all points."
    - 11. Section 312.3 (Drainage and vent air test) is amended by deleting said section in its entirety and replacing with the following:
      - **"312.3 Drainage air test.** An air test shall be applied to the drainage piping by forcing air into the system until there is a uniform gauge pressure of 5 pounds per square inch (psi)

or sufficient to balance a 10-inch column of mercury. This pressure shall be held for a test period of at least 15 minutes. Any adjustment to the test pressure required because of changes in ambient temperature or the seating of gaskets shall be made prior to the beginning of the test period."

- 12. Section 312.9 (Inspection and testing of Backflow prevention assemblies.) is amended by deleting said section in its entirety and replacing with the following:
  - "312.9 Inspection and testing of backflow prevention devices and assemblies. Upon initial installation, an inspection shall be made of all backflow prevention devices and assemblies to determine whether they are operable. Testing of all backflow prevention devices and assemblies shall be in accordance Chapter 11, Section 10, Subsection F, of the Code of Ordinances, City of College Station, Texas."
- 13. Section 410.1 (Approval) is amended by deleting the last sentence in said section and replacing it with the following:
  - "Where bottled water dispensers are provided in other occupancies, drinking fountains shall not be required."
- 14. Table 605.3 (Water Service Pipe) is amended by deleting the following materials:

"Acrylonitrile butadiene styrene (ABS) plastic pipe Asbestos-cement pipe Polybutylene (PB) plastic pipe and tubing Polyethylene (PE) plastic pipe Polyethylene (PE) plastic tubing Polyethylene/aluminum/polyethylene (PE-AL-PE) pipe"

15. Table 605.4 (Water Distribution Pipe) is amended by deleting the following materials:

"Polybutylene (PB) plastic pipe and tubing Polyethylene/aluminum/polyethylene (PE-AL-PE) composite pipe"

- 16. Section 606 (Installation of the Building Water Distribution System) is amended by adding section 606.7 to read as follows:
  - "606.7 Materials below slabs. Water distribution piping installed under concrete slabs shall be copper (minimum type K), cross-linked polyethylene (PEX) tubing, or cross-linked polyethylene/aluminum/polyethylene (PEX-AL-PEX) pipe, all installed without joints or connections. Materials subject to corrosion shall be protected when exposed to concrete or corrosive soils."
- 17. Section 608.16.5 (Connections to lawn irrigation systems) is amended by adding the following sentence to the end of the section.
  - "Double check valve assemblies may be used to protect against backflow on lawn irrigation systems where chemical injection systems are not present."
- 18. Section 701.2 (Sewer required) is amended by deleting the section in its entirety and replacing with the following:
  - **"701.2 Sewer required.** Every building in which plumbing fixtures are installed and all premises having sanitary drainage piping shall be connected to an approved sewer. Private sewage systems must comply with City of College Station's Code of Ordinances (Chapter 11, Section 2). All private sewage disposal systems must comply with the latest adopted standards of the Texas Commission on Environmental Quality and be installed under the direction of the Brazos County Health Department. The installer shall be licensed by the Texas Commission on Environmental Quality."

#### AMENDMENTS TO INTERNATIONAL PROPERTY MAINTENANCE CODE

- F. The International Property Maintenance Code adopted by reference in Section 101.4.5, 2003 International Building Code is hereby amended as follows:
  - Section 102.7 (Referenced codes and standards) is amended by adding the following exception:
    - **"Exception:** Any reference to the *ICC Electrical Code* shall mean the *National Electrical Code*, as adopted and amended by the City of College Station."
  - Section 107 (Notices and orders) is amended by deleting the section in its entirety.
  - Section 108 (Unsafe Structures and Equipment) is amended by deleting the section in its entirety:
  - 4. Section 109 (Emergency Measures) is amended by deleting the section in its entirety.
  - 5. Section 110 (Demolition) is amended by deleting the section in its entirety.
  - 6. Section 111 (Means of Appeal) is amended by deleting the section in its entirety.
  - 7. Section 302.4 (Weeds) is amended by deleting the section in its entirety.
  - 8. Section 304.3 (Premises identification) is amended by deleting the text in said section and replacing it with the following:
    - "Premises identification shall be in compliance with Section 501.2, 2003 International Building Code as amended."
  - 9. Section 304.14 (Insect screens) is amended by deleting the existing text and replacing it with the following:
    - "Every door, window, and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any other areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

### **Exceptions:**

- 1. Screens shall not be required where other approved means, such as air curtains or insect repellant fans, are employed.
- Screens shall not be required for windows and doors enclosing habitable spaces that contain central heating and air conditioning equipment that provide mechanical ventilation."
- 10. Section 602.3 (Heat supply) is amended by adding the following dates in the blanks provided:
  - "1 October" in first blank and "30 April" in second blank
- 11. Section 602.4 (Occupiable work spaces) is amended by adding the following dates in the blanks provided:
  - "1 October" in first blank and "30 April" in second blank

- 12. Section 602.4 (Occupiable work spaces) is amended by adding the following exception:
  - "3. Warehouse, storage rooms and similar areas that are not occupied on a constant basis."

#### AMENDMENTS TO INTERNATIONAL ENERGY CONSERVATION CODE

- G. The International Energy Conservation Code adopted by reference in Section 101.4.7, 2003 International Building Code is hereby amended as follows:
  - 1. Section 101.2 (Scope) is amended by deleting the exception.
  - 2. Section 107.1 (General) is amended by adding the following to said section:
    - "Any reference to the ICC Electrical Code shall mean the National Electrical Code, as adopted and amended by the City of College Station."
  - 3. Section R202 (General Definitions) is amended by deleting the definition of "Multiple Single Family Dwelling (Townhouse)" in its entirety and replacing it with the following:
    - "Townhouse. A single family dwelling unit constructed in a group of attached units separated by property lines in which each unit extends from foundation to roof and with open space on at least two sides."
  - 4. Section 502.1.3 (Recessed lighting fixtures) is amended by deleting items number two and three under said section.
  - 5. Section 502.1.4.1 (Window and door assemblies) is amended by adding the following to the end of the section:
    - "Single pane windows shall not be installed in the building envelope."
  - 6. Section 502.1.4.2 (Caulking and sealants) is amended by adding the following to the end of the section:
    - "All header and top plate penetrations in attached garages shall also be sealed to limit uncontrolled air movement."
  - 7. Section 503.1 (General) is amended by adding the following at the end of the section: "Exception. Electrical resistance heat may be used as the primary source of heating for buildings or spaces not exceeding five hundred (500) square feet in area."
  - 8. Table 503.3.3.3 (Minimum Duct Insulation) is amended by adding footnote "e." to read as follows:
    - "e. Supply ducts in unconditioned attics may have an insulation R-Value of 6 when installed in conjunction with an air-conditioner having a minimum SEER rating of 12."

## H. REGISTRATION FEES.

Registration fees for contractors shall be set by Council resolution.

- I. TEMPORARY OCCUPANCY OF STREETS WITH BUILDING MATERIAL, ETC.
  - 1. Permit and Bond

Hereafter any person or persons, firm, or corporation desiring to temporarily occupy any portion of any public street, alley, or sidewalk within the City of College Station for the purpose of placing thereon material or rubbish for or from building operations, or for any purpose whatsoever connected with the erection, removal, alteration, or repair of any building or other structure, shall apply to the Building Official for a permit for such temporary occupation as aforesaid, and it shall be unlawful to occupy or obstruct any street, alley, or sidewalk, as aforesaid, without a permit therefore from the Building Official, which permit shall not be issued until the person, persons, firm, or corporation applying therefore shall have first presented a building permit with a bond approved by the City Attorney, conditioned that the principal therein will discharge all claims of every

character arising from or occasioned by such occupancy of such street, alley, or sidewalk or the construction or repair of such building or the making of such excavation and discharge all judgments obtained, together with all costs attached thereto against the City of College Station, by reason of any such claim, injury, or damage sustained, and every person or persons, firm, or corporation carrying on any such excavation or building operation shall keep all streets, alleys, and sidewalks adjacent to such excavations or building operations carried on by them, in a clean and orderly condition, and unobstructed, except as provided herein, during such operation, and at the expiration of the time stipulated in the permit aforesaid, they shall restore all such streets, alleys, and sidewalks to as good condition as they were before the beginning of such operations.

### 2. Requisite of Permit

Permits for temporary street, alley, or sidewalk occupancy as hereinbefore provided shall be issued by the Building Official, shall be in writing, and shall be for a period of time not to exceed ninety (90) days, such as said Building Official may deem expedient; provided that such time may be extended by the City Council of the City of College Station; such permit shall specify how much of the street, sidewalk, or alley shall be obstructed, which amount of obstruction shall be within the discretion of the Building Official; provided that not more than one-half (1/2) of any alley, not more than two-thirds (2/3) of any sidewalk, nor more than one-fourth (1/4) of any street shall be obstructed.

## 3. Protection of Sidewalks

Wherever any portion of any street, alley, or sidewalk shall be obstructed under a permit as hereinbefore provided, the sidewalk or driveway thereon shall be protected by a covering, which shall be sufficient to protect the public from danger attendant upon such building, and a driveway and sidewalk sufficient in the opinion of the Building Official, kept in good condition for travel; and a failure to comply with this subsection shall immediately work a forfeiture of the permit given thereunder and all the rights and privileges granted therein.

#### J. CONSTRUCTION OF SIDEWALKS AND CURBS

## 1. <u>License and Permit Required</u>

Hereinafter no person, persons, firm, or corporation shall lay, construct, build, repair, or rebuild any sidewalk, curb, gutter, or driveway on any street, alley, or thoroughfare within the City of College Station, without first having obtained from the City Engineer a license to do such work, having made and executed a bond to said City in the sum of Two Thousand Five Hundred Dollars (\$2,500.00), having paid a license fee of Ten Dollars (\$10.00) per annum, and having obtained a permit from the City Engineer to do such work. Provided, however, that for building construction, only the construction of sidewalks, curbs, gutters, driveways, and approaches to a building may be included in the building contractor's permit for the construction of the building if application to construct such sidewalk, curb, gutter, driveway, and drive approach is made at the time the building permit is applied for. Provided further, that the preceding sentence shall allow only the building contractor himself to construct curbs, gutters, sidewalks, driveways, and drive approaches on his building contractor's bond without the necessity of making a separate cement bond for their construction, and the preceding sentence shall not apply if the building contractor contracts with another to construct the sidewalks, curbs, gutters, driveways, and approaches. The building contractor shall have the construction of such sidewalks, curbs, gutters, driveways, and drive approaches inspected and approved by the City Engineer. Where the building contractor avails himself of the provisions of this subsection, he shall be responsible for the construction and maintenance of such concrete construction in the same manner as individuals holding a license to do such concrete work, and his building contractor's bond shall be amended and supplemented to comply with this subsection.

## 2. Requisite of License and Bond

The license hereinbefore mentioned shall be issued and approved by the City Engineer, and before the issuance of same, the applicant shall file in the office of the City Engineer

a statement of his qualifications, together with a surety bond in the penal sum of Two Thousand Five Hundred Dollars (\$2,500.00), conditioned that said applicant will indemnify and save harmless the City of College Station from any and all damages of every character arising from or caused directly or indirectly by negligence in doing said work, or for any imperfect or inadequate work done by the applicant, and that he will maintain said work in a good and workmanlike state of repair for and during a period of one (I) year from and after its completion and acceptance by the City. Said statement of qualifications approved by the City Engineer, together with bond, and date of issuance shall be filed by said City Engineer with the City Secretary.

The applicant shall also state in his application for license, his place of business, and shall notify the City Engineer immediately of any and every change in address or style of his firm. All such bonds shall be subject to the approval of the City Attorney, and shall run for a period of one (I) year from date, or until revoked as hereinafter provided.

# K. PERMIT REQUIRED FOR STREET, SIDEWALK AND ALLEYWAY CUTS

- (1) No person shall cut or in anyway damage the streets, alleyways or sidewalks of the City of College Station for the installation of any materials and/or equipment without a permit.
- (2) A permit to cut a street, alleyway or sidewalk shall be applied for from the City Manager or his delegate.
- (3) Any person who applies for a permit shall pay the cost of the issuance of the permit, the repair of the street, sidewalk or alleyway and the cost of the inspection of such repair, which fees shall be set by resolution from time to time. The City at its option may elect for the applicant to pay the estimated costs of repairs as a deposit prior to the issuance of the permit with said deposit not being less than the minimum payment set out by resolution. In the event that the cost exceeds the deposit the applicant shall remit the remainder of the cost to the City. In the event that the cost is less than the deposit, the overage shall be remitted to the applicant.
- (4) Any person who without a permit cuts or otherwise damages a street, sidewalk or alleyway in the installation of any materials or equipment, or refuses to pay for repairs, shall be guilty of an offense punishable under this Code of Ordinances.
- (5) Applicant may be authorized to make temporary or permanent repairs pursuant to City's specifications. If the permit authorizes the applicant to make repairs, then the applicant shall warrant the work for 365 days from the date of inspection and acceptance by City.
- (6) Any person who fails to comply with the terms of this ordinance shall be guilty of an offense punishable under this Code of Ordinances."

### L. BUILDING PERMIT FEES

Building permit fees will be established by City Council resolution adopted pursuant to Chapter 14 of the Code of Ordinances. An official copy of the latest such fees shall remain on file in the Office of the City Secretary at all times.

### M. MANUFACTURED HOUSING TIE DOWN STANDARDS

Ties for manufactured housing shall comply with Section AE605, 2003 International Residential Code.

## **APPENDIX 2**

#### **ELECTRICAL CODE ADOPTED**

A booklet entitled 'National Electrical Code 2002 Edition' as amended and as hereafter may be amended, at least one (1) copy of which is on file in the office of the Building Official of the City of College Station, Texas, is hereby adopted and designated as the Electrical Code of the City of College Station, Texas.

#### AMENDMENTS TO NATIONAL ELECTRICAL CODE

- A. The above referenced 'National Electrical Code' is hereby amended as follows:
  - Section 210.23 (A) 15- and 20 ampere circuits. shall be amended to delete the reference to 15 ampere branch circuits. It shall also be amended to include the following sentence after said section: 'However, a circuit of twenty (20) amperes shall not serve more than ten openings.'
  - Table 210.24 Summary of Branch-Circuit Requirements shall be amended by placing an asterisk next to all 14 AWG conductors indicated in the table and by adding this footnote at the bottom of the table \* special note: Except for fixture wires in UL or other listed fixtures, no conductor of a size smaller than 12 AWG copper is allowed in branch circuit wiring.'
  - Section 210.52 (B) Small Appliances shall be amended by adding the following subsection: (4) Separate Circuit Required. A separate circuit is required for each refrigerator, deep freeze, dishwasher, disposal, trash compactor or any other load exceeding six (6) amperes.'
  - 4. Section 210.52 (C) **Countertops** shall be amended to include after the words '...with 210.52 (C) (1) through (5). the following sentence: However, a separate circuit is required for microwave ovens or any other counter top appliance with a load exceeding six (6) amperes.'
  - 5. Section 210.52 (F) **Laundry Areas.** shall be amended to include after the words '... for the laundry.' the following sentence: 'However, a separate circuit is required for a washing machine or any other laundry appliance with a load exceeding six (6) amperes.'
  - 6. Section 210.52 **Dwelling Unit Receptacle Outlets.** shall be amended by adding the following subsection: '(I)**Other Locations**. A separate circuit is required for each well pump or other outdoor loads exceeding six (6) amperes.'
  - 7. Article 230 **Services.** shall be amended by adding the following section: 230. 11 **Meter Mounting Heights.** Individual meters shall be mounted at a height not greater than 5'-6" or less than 4'-6" above finished grade, measured to the center line of the meter base. Meter packs shall be mounted with its horizontal centerline not greater than 4'-6" or less than 4'-0" above finished grade.
    - Exception: Meters and meter packs may be mounted at a different height by special permission of the Building Official or his designee when special conditions make the installation at the above heights impractical.
  - 8. Section 230.70 **General** shall be amended by adding the following subsection: '(D) **Service Disconnecting Means for Commercial Buildings and Structures.** For commercial buildings and structures, the service disconnecting means shall be installed on the outside of the building or structure. A power operated disconnect switch (shunt trip) shall be permitted for service disconnects rated 1000 amps or more. All shunt trip disconnecting means shall be of the momentary contact type and installed in an approved, lockable enclosure. All service disconnects shall be clearly marked in a permanent manner.

**Exception:** A power operated disconnect switch (shunt trip) may be allowed on service disconnects rated less than 1000 amps, if the applicant requests an exception from the Electrical Division and Building Official and satisfies the official that one of the following criteria has been met.

- (a) A power operated disconnect switch (shunt trip) may be used for a service disconnect rated less than 1000 amps when the building or structure is served by a single transformer and the transformer is not anticipated to be used for multiple services; or
- (b) A power operated disconnect switch (shunt trip) may be used for a service disconnect rated less than 1000 amps on an existing building or structure when space is not available to mount an external disconnect.
- 9. Section 250.52 (A) (5) **Rod and Pipe Electrodes** shall be amended by deleting the section in its entirety and replacing with the following: **Rod and Pipe Electrodes**. Rod and pipe electrodes shall not be less than eight (8) feet in length, not less than 5/8" in diameter and shall be copper coated.
- Section 310.2 (B) Conductor Material shall be amended by deleting the section in its entirety and replacing with the following: 'Conductor Material. Conductors in this article shall be of copper only.'
- 11. Section 320.12 **Uses Not Permitted** shall be amended by deleting the section in its entirety and replacing with the following: **'Uses Not Permitted.** Type AC cable shall not be permitted in commercial buildings as a wiring method.'
- 12. Section 334.12 (A) **Types NM, NMC, and NMS.** shall be amended to include the following subsection: (11) In educational occupancies as defined by the City's "adopted building code."

(Ordinance No. 2775 of December 21, 2004)

# **ATTACHMENT 1**

# CHAPTER 6, SECTION 1: FIRE PREVENTION CODE

## A. INTERNATIONAL FIRE CODE ADOPTED

- (1) The 2003 edition of the International Fire Code, including Appendix Chapters B, C, D, E, F and G, as published by the International Code Council. Said Code is hereby adopted to the same extent as though such Code were copied at length herein, subject however to the omissions, additions, supplements, and amendments contained in this section.
- (2) The <u>Life Safety Code Handbook</u>, specifically the 2003 Edition published by the National Fire Protection Association, a copy of which is on file in the office of the City Secretary of the City of College Station, Texas, is hereby adopted and designated as the life safety code of the City of College Station. Said code is adopted to the same extent as though such code was copied at length herein.

# B. <u>AMENDMENTS TO THE INTERNATIONAL FIRE CODE</u>

The International Fire Code, as referred to above is hereby amended as follows:

(1) Section 101 (General) is amended by adding Section 101.6 to read as follows:

Section 101.6 (Emergency Vehicle Egress):

No part of any commercial structure will be located outside the limits of a one hundred fifty foot (150') arc from a point where fire apparatus can operate. Fire apparatus will operate on surfaces designed for such and may utilize public right-of-way, approved fire lanes and/or drive access ways to meet this one hundred and fifty foot limit but in no case shall the truck travel route be measured across grass, wooded or landscaped areas, over curbs, through fences, through ditches or across paved areas which are not designed and maintained as fire lanes".

- (2) Section 108 is amended by deleting the section in its entirety.
- (3) Section 109.3 (Violation Penalties) is amended by deleting the section in its entirety and replacing with the following:

Section 109.3 (Violation Penalties)

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the Fire Official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine as described in Chapter 1 section 5 of the College Station Code of Ordinances.

- (4) Section 202 (General Definitions) is amended by adding "Tutorial Services" under the definition of "Occupancy Classification Assembly Group A-3".
- (5) Section 308.3.1 (Open Flame Cooking Devices) is amended by deleting exception 2.
- (6) Section 308.3.1.1 (Liquid-Petroleum-Gas-Fueled cooking devices) is amended by deleting the section in its entirety and replacing with the following:

Section 308.3.1.1 (Liquid-Petroleum-Gas-Fueled cooking devices) LP-gas burners shall not be located on combustible balconies or within 10 feet (3048 mm) of combustible construction. Exception: One- and two- family dwellings.

- (7) Section 501.4 (Timing of Installation) is amended by adding the following text at the end of the section: "There shall be no combustible, flammable or ignitable materials placed on site, lot or subdivision where waterlines, fire hydrants and/or all weather access roads capable of supporting emergency vehicles with an imposed load of at least 75,000 pounds as required by this code or other adopted code or ordinances are completed, accepted and inservice."
- (8) Section 503.2.1 (Dimensions) is amended by replacing "13 feet 6 inches" with "14 feet".
- (9) Section 503.2.5 (Dead Ends) is amended by replacing "150 feet" with "100 feet".
- (10) Section 503.3 (Marking) is amended by deleting the section in its entirety and replacing with the following:

Section 503.3 (Marking)

The owner, manager, or person in charge of any building or property to which fire lanes have been approved or required by engineering shall mark and maintain said fire lanes in the following manner:

All curbs and curb ends shall be painted red with four inch (4") white lettering stating "FIRE LANE - NO PARKING - TOW AWAY ZONE". Wording may not be spaced more than fifteen feet (15') apart.

In areas where fire lanes are required but no continuous curb is available, one of the following methods shall be used, in conjunction with the curb markings, to indicate that the fire lane is continuous:

Option #1: A sign twelve inches (12") wide and eighteen inches (18") in height shall be mounted in a conspicuous location at each entrance to the property. (See Diagram No. 1 for specifications on colors and lettering.)

Option #2: From the point the fire lane begins to the point the fire lane ends, including behind all parking spaces which adjoin a fire lane, shall be marked with one continuous eight inch (8") red stripe painted on the drive surface behind the parking spaces. All curbing adjoining a fire lane must be painted red. Red stripes and curbs will contain the wording "FIRE LANE - NO PARKING- TOW AWAY ZONE", painted in four inch (4") white letters. ("Figure A" in Ordinance No 1630 illustrates striping on drive surface behind parking spaces.)

In those cases where curb markings are not possible or where signs would in the Fire Official's opinion work more effectively, the Fire Marshal may require signs\_in lieu of curb markings.

The use of the color red to mark or stripe any curb or parking area (other than fire lanes) is prohibited within the City of College Station."

(11) Section 503 is amended by adding Sections 503.3.1 (Fire Lane Signs; Tow-Away Zone Signs), 503.3.2 (Destruction of Fire Lane and Tow-Away Signs), 503.3.3 (Abandonment or Closing) and 503.3.4 (Authority Under Emergency Conditions) to read as follows:

503.3.1 (Fire Lane Signs; Tow-Away Zone Signs)
The owner, manager, or person in charge of any building to which fire lanes have been approved by the Engineering Division shall post and maintain appropriate signs in conspicuous places along such fire lanes stating "No Parking - Fire Lane". Such signs shall be twelve inches (12") wide and eighteen inches (18") high, with a companion sign twelve inches (12") wide and six inches (6") high stating "Tow-Away Zone".

Any "No Parking - Fire Lane" or "Tow-Away Zone" sign shall be painted on a white background with symbols, letters and border in red. Drawings and samples of such signs

may be obtained from the Fire Department of the City of College Station. Standards for mounting, including but not limited to, the height above the grade at which such signs are to be mounted, shall be as adopted by the Fire Official of College Station.

Section 503.3.2 (Destruction of Fire Lane or Tow-Away Signs)

It is hereby unlawful for any person without lawful authority to attempt or in fact alter, destroy, deface, injure, knock down, or remove any sign designating a fire lane or tow-away zone erected under the terms of this code, or to deface a curb marking in any way.

Section 503.3.3 (Abandonment or Closing)

No owner, manager, or person in charge of any premises served by a required fire lane shall abandon or close such fire lane without written permission of the Fire Official of the City of College Station.

Section 503.3.4 (Authority Under Emergency Conditions)

The Fire Marshal is hereby authorized to establish fire lanes during any fire, and to exclude all persons other than those authorized to assist in extinguishing the fire or the owner or occupants of the burning property from within such lanes.

(12) Section 503.4 (Obstruction of Fire Apparatus Access Roads) is amended by deleting the section in its entirety and replacing with the following:

Section 503.4 (Obstruction of Fire Apparatus Access Roads)
No person shall park, place, allow, permit, or cause to be parked, placed, any motor vehicle, trailer, boat, or similar obstruction within or upon an area designated as a fire lane and marked by an appropriate sign or curb marking.

(13) Section 503 (Fire Apparatus Access Roads) is amended by adding Sections 503.4.1 (Obstructing Fire Lanes) and 503.4.2 (Enforcement; Issuance of Citations; Impoundment of Obstructions) to read as follows:

Section 503.4.1 (Obstructing Fire Lanes)

Any motor vehicle, trailer, boat, or similar obstruction found parked within an area designated as a fire lane as required by this section is hereby declared a nuisance per se and any such motor vehicle, trailer, boat, or similar obstruction parked or unoccupied in such a manner as to obstruct in whole or in part any such fire lane shall be prima facie evidence that the registered owner unlawfully parked, placed, or permitted to be parked or placed such obstruction within a fire lane.

The records of the State Highway Department or the County Highway License Department showing the name of the person to whom the Texas highway license or boat or trailer license is issued shall constitute prima facie evidence of ownership by the named persons.

Section 503.4.2 (Enforcement; Issuance of Citations; Impoundment of Obstructions)

The Fire Official or any member of the Fire Department designated by the Fire Official, the Chief of Police, or any member of the Police Department designated by the Chief of Police are hereby authorized to issue parking citations for any motor vehicle, trailer, boat, or similar obstruction found parked or unattended in or upon a designated fire lane and may have such obstruction removed by towing it away. Such vehicle or obstruction may be redeemed by payment of the towage and storage charges at the owner's expense.

No parking citations shall be voided nor shall the violator be relieved of any penalty assessed by a judge of the Municipal Court for any provision by the redemption of the obstruction from the storage facility."

(14) Section 505.1 (Address Numbers) is amended by deleting the section in its entirety and replacing with the following:

Section 505.1 (Address Numbers)

An official building number placed pursuant to this ordinance must be at least four inches (4") high, and have at least a one-half inch (1/2") stroke in the main body of the number, and be composed of a durable material and of a color which provides a contrast to the background. The number shall be mounted a minimum of thirty-six inches (36") and a maximum of thirty feet (30') in height measured from ground level. Buildings located more than fifty feet (50') from the curb of a street shall have numbers at least five inches (5") in height. For the purpose of this ordinance, durable materials for use in numbering shall include, but not be limited to wood, plastic, metal, weather-resistant paint, weather-resistant vinyl, or weather-resistant numbers designed for outside use on a glass surface. For single family residences, the requirement of this section may be met by providing two inch (2") high numbers on both sides of a U.S. mailbox located near the curb in front of the house, or a freestanding structure with numbers at least four inches (4") in height.

(15) Section 505 (Premise Identification) is amended by adding Sections 505.1.1 (Building Complex Identification), 505.1.2 (Rear Access Identification), 505.1.3 (Alley Premise Identification) and 505.1.4 (Building Complex Diagrams) to read as follows:

### 505.1.1 (Building Complex Identification)

A building complex composed of multiple structures shall have an official suite/unit number assigned to each building as well as a street address number. If there is sufficient street frontage, each unit or building may be assigned a separate official street address number. The official street address number of each structure as designated by the Building Official must be prominently posted on the building so that it is visible from the nearest public street. Each number designated by the Building Official for each individual suite/unit must be conspicuously posted on the suite/unit.

# 505.1.2 (Rear Access Identification)

Commercial buildings with rear access shall also display the business name and designated street address and suite/unit number on the rear access door.

#### 505.1.3 (Alley Premise Identification)

Residential structures that provide for rear vehicular access from a dedicated public alley shall conspicuously post the designated numbers that comply with the size requirements above so that it is visible to the alley.

### 505.1.4 (Building Complex Diagrams)

The owner of a building complex which contains an enclosed shopping mall shall submit to the Fire Official four (4) copies of diagrams acceptable to the Fire Official of the entire complex, indicating the location and number of each business. When a change in a business name or location is made, the owner or manager of structure shall so advise the Fire Official in writing of the change.

(16) Section 508.5.1 (Where Required) is amended by deleting the section in its entirety and replacing with the following:

## Section 508.5.1 (Where Required)

Public fire hydrants of the City of College Station standard design shall be installed as part of the water distribution system for subdivisions and/or site developments. The Engineering Division shall approve the appropriate hydrant locations accessible to fire fighting apparatus and within the maximum distances described in the following sections:

(17) Section 508.5.2 (Inspection, Testing and Maintenance) is amended by deleting the section in its entirety and replacing with the following:

Section 508.5.2 (Inspection, Testing and Maintenance)

Public fire hydrants shall be installed in single-family and duplex districts zoned R-1, R-1A and R-2 at such locations that no part of any structure shall be more than five hundred feet (500') from a fire hydrant as measured along the right-of-way of a public street as the fire hose is laid off the fire truck.

(18) Section 508.5.3 (Private Fire Service Mains and Water Tanks) is amended by deleting the section in its entirety and replacing with the following:

Section 508.5.3 (Private Fire Service Mains and Water Tanks)
Private fire hydrants shall be installed in districts other than single-family and duplex districts zoned R-1, R-1A or R-2 at such locations that no part of any structure, aboveground tanks or fueling stations, shall be more than three hundred feet (300') from a fire hydrant as measured along the right-of-way of a public street or along an approved fire lane as the fire hose is laid off the fire truck."

- (19) Section 806.3 (Wall and Ceiling Finish Requirements) is amended by adding the following text to the end of the section: "The minimum interior wall and ceiling finish requirements for all group A-Assemblies shall be class A for vertical exits, exit passageways, exit access corridors and other exits when the building is sprinklered."
- (20) Section 903.2 (Where required) is amended by adding the following text at the end of the section:

In addition to the requirements of this section, an automatic sprinkler system shall be provided throughout all new buildings and structures as follows:

- 1. Where the total building area exceeds 12,000 square feet in area.
- 2. Where the height exceeds two stories, regardless of area.
- (21) Section 903.2.2 (Group E) is amended by deleting the exception and replacing "20,000 square feet" with "12,000 square feet".
- (22) Section 903.2.3 (Group F-1) is amended by deleting items #2 and #3.
- (23) Section 903.2.6 (Group M) #2 is amended by replacing "three stories above grade" with "two stories in height" and by deleting #3 in its entirety.
- (24) Section 903.2.7 (Group R) is amended by deleting the section in its entirety.
- (25) Section 903.2.8 (Group S-1) is amended by deleting items #2 and #3.
- (26) Section 903.2 (Where Required) is amended by deleting the section in its entirety and replacing with the following:

Section 903.2 (Where Required)

An automatic sprinkler system shall be provided throughout all buildings where the total building area exceeds 12,000 square feet and/or all structures exceeding two stories in height.

(27) Section 907.9.1.2 (Employee work areas) is amended by deleting the section in its entirety and replacing with the following:

Section 907.9.1.2 (Employee work areas)

Where a fire alarm and detection system is required, employee work areas shall be provided with devices that provide audible and visible alarm notification."

(28) Section 2204.1 (Supervision of Dispensing) is amended by deleting the section in its entirety and replacing with the following:

Section 2204.1 (Supervision of Dispensing)

The dispensing of flammable or combustible liquids into the fuel tank of a vehicle or into an approved container shall be under the supervision of a qualified attendant except service stations not open to the public. Such stations may be used by commercial, industrial governmental or manufacturing establishments for fueling vehicles in connection with their business."

- (29) Section 2204.3 (Unattended Self-Service Motor Fuel Dispensing Facilities) is amended by deleting the section in its entirety.
- (30) Section 2204.3.1 (General) is amended by deleting the section in its entirety.
- (31) Section 2204.3.2 (Dispensers) is amended by deleting the section in its entirety.
- (32) Section 2204.3.3 (Emergency Controls) is amended by deleting the section in its entirety.
- (33) Section 2204.3.4 (Operating Instructions) is amended by deleting the section in its entirety.
- (34) Section 2204.3.5 (Emergency Procedures) is amended by deleting the section in its entirety.
- (35) Section 2204.3.6 (Communications) is amended by deleting the section in its entirety.
- (36) Section 2204.3.7 (Quantity Limits) is amended by deleting the section in its entirety.
- (37) Section 3406.6.1.2 (Leaving Vehicle Unattended) is amended by deleting the section in its entirety and replacing with the following:

Section 3406.6.1.2 (Leaving Vehicle Unattended)
At no time while discharging flammable, combustible or ignitable liquids shall the driver or operator be out of sight and reach of the discharge valves. If at any time while discharging flammable, combustible or ignitable liquids, the driver or operator must leave the vehicle for any reason, he or she shall shut down all valves until his or her return and shall be totally responsible for any and all spillage. When the delivery hose is attached to the vehicle it is presumed to be discharging flammable, combustible or ignitable liquids.

(38) Appendix D Section D103.4 (Dead Ends) and Table D103.4 are amended by replacing "150 feet" with "100 feet.

(Ordinance No. 2776 of December 21, 2004)